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Whatcom County Land Use Senior Project: Land Use Intern Journal, September 1997 to June 1998

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Land Use Intern
Journal
September 1997 to June 1998



**HUXLEY COLLEGE
OF
ENVIRONMENTAL STUDIES**

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Date: *6/10/88*

SENIOR PROJECT

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HONORS THESIS

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June 12, 1998

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In September of 1997 I was given the opportunity to work at Whatcom County Planning and Development Services (PDS) as the "Land Use Intern" under the direction of Marilyn Bentley, Land Use Specialist II. She has been working at PDS for 15 years but has been in the profession for over twenty years. The first years of her profession were spent in British Columbia, Canada. When she is absent her supervisor, Director of Land Use, Roland Middleton, is my supervisor. Other members of PDS can offer direction in their absence. The intern job description states that I am to compile applications into project files for Ms. Bentley and the County Hearing Examiner, help with basic office tasks, and help wherever else I am needed.

I am receiving my Bachelor of Arts in Environmental Policy and Planning in spring of 1998 and this internship was a practical application of my major. I am confident that I want to continue working in the environmental field after graduation and this job has shown me it is possible to do that. The internship has opened doors to other career paths in governmental agencies and private practices that are linked to the environmental field.

This experience allowed me to create a project that fulfills both my Huxley College of Environmental Studies internship requirement as well as my University Honors Department senior project requirement. The first section of the project will be a description of the nine-month internship in journal form. The journal will be done in three quarterly reports, each report reviewing my duties, my performance, and my goals. The second section of the project will be a brief analysis of the planning profession and of Whatcom County Land Use Department.

Fall Quarter 1997

Review

Whatcom County Planning and Development Services regulates and monitors the land use in the county. The Land Use Office has a staff of 19 people which deal specifically with land use regulations, including specialized employees such as the Critical Area Specialists, State Environmental Policy Act (SEPA) Specialist, and the Shoreline Specialist. Engineering, Building Services and Planning are also housed under the umbrella of Planning and Development Services. All incoming project proposals may be subject to review from one or all of the departments. These branches and specialists play a vital and necessary role in governing land use and development in Whatcom County, Washington.

This fall my duties were to make sure that there were enough permit applications and project forms in the filing cabinet, to Xerox incoming project information, to compile project files for Ms. Bentley and the County Hearing Examiner, and to perform basic office tasks. These tasks emphasized the pattern of how project permits flow, how the office is organized, and how the system tied the PDS employees to the public.

Ms. Bentley works with Conditional Use Permits, Variances, Lot Consolidations, and Major Developments. Conditional Use Permits (CUPs) are the most frequent type of application. CUPs allow applicants to use their land in a way that is not permitted by the zoning ordinance. For example, wanting to build an accessory dwelling on their property or use a home for a cottage industry.

Major Development Permits are discretionary permits granted by the County Council for a zoning project which meets any of these criteria's; if the established construction cost (exclusive of land value) exceeds five million dollars, if building size for retail use will be greater than 75,000 square feet, if office/industrial gross floor space for

lease will be greater than 200,000 square feet, if residential dwelling units will total 300 or more, if it is a motel or hotel which will have more than 200 units, if the number of employees for the finished project will be greater than 250, or if an Environmental Impact Statement will be required.

Variances are a type of permit which allow a land owner to depart from zoning regulations which have caused undue hardships, attributed to lot size, topography, or other physical constraints. If a piece of land is irregularly shaped and zoning rules prevent development, a variance permit would allow for the zoning regulations to be compromised.

A Lot Consolidation Request is made by an owner of multiple adjoining lots which have become one lot as a result of zoning changes. This permit provides relief from consolidation, on grounds that zoning changes have severely damaged the developmental potential of the property. If a person has bought two lots of land and through zoning changes is unable to sell one of the lots, they apply for this type of permit to break the lot in two and sell one.

All of the files, which Ms. Bentley works with, require a multi-step compilation process. The majority of permits Ms. Bentley receives are Conditional Use Permits, about 60 permits a year, and they are the ones I am most familiar with. I will describe a CUP project file, even though the permit process for all applications are basically the same with slight differences (see Appendix A).

The first step is to determine that a Conditional Use Permit is required. The people who first review the project, either the Land Use help counter or Ms. Bentley, will decide by looking at Title 20, a Zoning Ordinance. Title 20 lists what uses are outright permitted and conditionally permitted in specific county zone. If a CUP is required, the landowner

meets with Ms. Bentley, receives a Conditional Use Permit application and goes over it with her. The application is filled out by the applicant and submitted to Ms. Bentley along with fees. If the application is accepted it is assigned a case number, entered into the computer program, TideMark, and the project file is compiled.

The compilation of the files is called “the distribution.” The master application, the supplemental application, site plans, and other supplementary documents are copied and organized into a file, one for Ms. Bentley and one for the County Hearing Examiner. After the initial compilation three maps of the specific parcel are retrieved to be used as visual aids in the file. One is an aerial map showing the topography, the second is a zoning map showing the current zoning classifications of the area and surrounding areas, and the last is a site map showing a close spatial view of the parcels. After the maps are inserted, a Determination of Completeness letter is written to the applicant, stating the project file is complete and the file is being forwarded to the Hearing Examiner for review. A letter is also composed for the general public informing them about the project, how to get more information, and where to submit written comments. The notice is placed in the Bellingham Herald, the local newspaper, and sent to the property owners within 300 feet of the site. The public has 15 days from the date of publication to submit comments. Ms. Bentley’s project file is then sent to Critical Areas, a specialized office within Land Use, for review to make sure the project do no harm to a sensitive wetland ecosystem. To finish the distribution, extra site plans and copies of the supplementary application are sent to specific agencies depending on the project request and project location. For CUPs the plans are generally routed to the Fire Marshall, Engineering, Chief Plans Examiner, and Health Department. Cases where major state roads, schools, or tribal lands are involved, the plans

will be sent to affected groups or agencies.

After the agencies review the plans and application, their comments are submitted, containing the necessary conditions needed to be followed specified by law. When all the public comments and agency comments are received, a staff report is drafted. This report contains the staffs (Ms. Bentley's) opinions as to whether the project should be approved or not after review of the entire file. Copies of the final staff report are sent to the applicant, Hearing Examiner, and one is kept for Ms. Bentley's file. A hearing date is set and the Hearing Examiner, who, after reviewing Ms. Bentley's report, comments from the applicant, and from the public, will make the final decision. If the application is approved, the building permit and occupancy are granted and the applicant is free to start the project. If the Hearing Examiner rejects the application, the applicant may appeal the decision to the Superior Court or the application may be resubmitted with a new design.

Another aspect of the permitting process that may add to the size and intricacy of the files is the requirement of the State Environmental Protection Act (SEPA). SEPA may be needed if the project has a high impact on water pollution, noise pollution, air pollution, or cause a dramatic alteration of the landscape. SEPA requires an environmental impact assessment of a list of "elements" of the natural and built environments. If the project has a drastic impact, an Environmental Impact Statement (EIS) will be required. On average the CUP process takes 90 days without a SEPA review and 120 days with one.

To guarantee that part of the process summarized here runs well, one must insure that the Hearing Examiner receives copies of everything that goes into the project file. The applicant must also be aware of the status of his permit and has copies of the pertinent information, such as the agency comments.

Performance

In September the pace of my work was slow because of my unfamiliarity with the job. To help me learn the formulation of a project file, one of the office staff handed me a model file and I mimicked its organization as I compiled new applications. This helped me understand what an applicant must submit so agencies are able to carefully review the proposal. Having every file in the same form makes it easy for one to find information for anyone who needs to review a project.

In the beginning my compilation tasks were limited to Xeroxing and making maps. Maps are filed by numerical townships and ranges and the map identification numbers are given in the sequence of section, township, and range. I often muddled the numbers making location hard and even when a map was located, it was difficult for me to find the parcel on the map.

By the end of the quarter, I was starting to take on some more difficult tasks, such as helping with staff reports and processing the project files from start to finish. Preparation of the staff reports were difficult, as I was not sure of what needed to be included, and my familiarity with the zoning ordinances and regulations was limited. In my drafts I included the basic information that is part of every staff report, yet, I often lacked experience and knowledge in some of the subjects. Once I had completed my drafts of reports, Ms. Bentley helped me locate the information that I missed and corrected the work that I had done.

On the whole I believe I have met the expectations of my faculty advisor and Ms. Bentley, yet, I know could challenge myself more by taking the initiative to learn on my own. During slow periods I will find an activity that will allow me to learn more about the

job and to improve my performance.

Goals

In the next six months I hope to become more proficient in the internship. I have my sights set on being able to take an application, including distribution and staff report, from start to finish, without much correction from Ms. Bentley. I also hope to be able to attend a hearing and see first-hand the decision process. I hope to increase my knowledge of the department's vocabulary and the documents that are integral to the planning process, specifically, the Growth Management Act (GMA), and Title 20.

Winter Quarter 1998

Review

January started off slowly but by mid February the office became busy with an influx of CUPs. Ms. Bentley calls it her "spring rush," as every week our office received approximately three new applications, which hastened the pace of daily activities.

I am more proficient in my ability to compile a CUP file. Ms. Bentley now simply hands me the new file and I am able to bring it to the point of sending it to the Hearing Examiner but Ms. Bentley still takes over in writing the staff report. However, when a lot of staff reports need to be written, Ms. Bentley will turn a few of the reports over to me. She gives me the least complicated files, those without SEPA reviews or many conditions, which deal with straightforward requests such as cottage industries and accessory dwellings. Ms. Bentley still has to correct my reports and distribution letters for style and missing information.

Aside from my gaining confidence and self-assurance, a major transition occurred in the department; the computer system was upgraded from a DOS format to Windows 95, causing some confusion in the transfer of files and the creation of documents. I excelled in this work because of my familiarity with computers. I was able to help trouble-shoot and show Ms. Bentley how to use programs such as Word. It was a great feeling of accomplishment to be able to answer questions and demonstrate the use of the new operating system. The transition also helped me to improve my work because I could focus on my tasks rather than trying to teach myself software I was not familiar with.

Performance

I was happy with my performance this quarter. I felt more confident in my actions

and less confused about what I was supposed to do. It also helped that I grew to know the people in the department and more comfortable in asking them questions and using them as resources. I am also competent in using the materials, such as maps, ordinances, and other documents a goal I established for myself last quarter. My confidence in writing the reports has improved and I feel more comfortable with the zoning ordinances, specifically Title 20.

The work load has increased and sometimes in a rush I make errors preparing the files and writing letters, which are easily corrected but that slow my process. I am still not to the point where I am comfortable sending off the application file to the Hearing Examiner without Ms. Bentley or a Senior Land Use Specialist looking it over.

Goals

This quarter I achieved some of my goals set forward last quarter. I did become more familiar with Title 20 but not with the Growth Management Act. Though the GMA is important to what I do my work continues to be narrow and very specific. I have not been able to attend a project hearing, although I get to hear about them from Ms. Bentley. Next quarter I want to become more proficient at compiling the different types of files, especially since I have learned that the distribution for each permit is a modification of the Conditional Use Permit compilation. I also want to work more on staff reports because they help me understand the full scope of the projects.

Spring Quarter 1998

Review

This quarter has been one of change. Ms. Bentley was promoted at work to Senior Land Use Specialist, specializing in shoreline permits and together each of us had to learn an entire new job. Not only are shoreline permits processed but also all of the CUPs and other permits that the previous job entailed. The job was hectic, so much was coming into the office that it was hard to keep up.

A Shoreline Permit is governed by Washington State Shorelines Program, ordinance Title 23. Title 23 is similar to Title 20 except the focus is on property bordering shorelines. The organization of the Shoreline Permit is very similar to the CUP, except for timelines and distribution. The notice to the Bellingham Herald is published twice and community members have 30 days after the last publication to submit their comments, and after the last publication the county has 120 days to process the permit with or without SEPA; the public has thirty days to respond. Within the distribution, two copies of every map and site plans are sent to the Hearing Examiner. Shoreline projects are much more involved because shorelines are highly sensitive to changes. There is greater potential for environmental degradation when building on or by the water and every project must be researched extensively to quantify the expected effects.

Performance

The switch from CUPs to Shorelines was more confusing than difficult. The major aspects of the Shoreline Permit process are similar to the CUP process but I occasionally overlooked the small details. I am still learning new ordinances and new procedures for completing a shoreline permit application.

This quarter I have been entrusted with doing specific tasks such as returning phone

calls and answering questions. Ms. Bentley gives me the message and briefly describes what the response is, and now I can return calls and give informed answers. I also help Ms. Bentley with her scheduling of meetings. This quarter a new ordinance passed for Accessory Dwellings and I was responsible for calling more than 50 persons to appointments. The longer I am here the more involved the tasks are, which allows me to integrate the knowledge I have gained in the last nine months.

This quarter I was much more confident and comfortable in my role. Even the new challenges with Shoreline Permits were not scary because I felt secure in my knowledge. I still am not able to do things completely on my own without having someone else proofread my work but I do feel that my performance has improved. The comfort level rose due to the constant exposure to repetitious tasks and Ms. Bentley's supervision and encouragement of my work.

Goals

I still have not been to a hearing due to my school schedule but I plan to attend one before the quarter is out. It is fairly easy to write CUP staff reports now and I can usually do them without much questioning but Ms. Bentley still corrects them. I feel that my goal to take an application from beginning to end is not far from my attainment.

This quarter my one major goal is to become familiar with the ordinances and the intricate process of preparing Shoreline Permits. I want to be able to understand Title 23, Shoreline Ordinances, and to do this I must first be comfortable with the distribution and contents of a Shoreline Permit. By the end of the quarter I would like to try and write a Shoreline Staff Report.

In the past nine months have gone quickly and I have learned an enormous amount. I started with no experience in this field except for a few Geography classes and finished with a fairly strong knowledge of what a Planning Department does. This internship has allowed me to apply my major, Environmental Policy and Planning, to something tangible and concrete.

The teaching and supervision from Ms. Bentley and other Planning and Development Services employees was incredible. At first I was shy and cautious with my questions but most people were very willing to help me out in any way possible. Ms. Bentley was especially superb at showing me what to do although she never indulged me. She expected me to do an element of learning independently but she always helped when I asked.

As I became more comfortable in the office setting and with the personnel, I found a plethora of sources of information. The job also became more enjoyable when I established relationships with the employees and was able to joke around with them.

This job was educational, enjoyable, and an excellent working experience. The nine months flew by and without realizing it I learned a lot about a vital section of our government. I feel I fulfilled the goals of the Land Use Intern and the expectations set by Ms. Bentley. I fully enjoyed my job and look forward to applying what I have learned in other situations. This internship has been a great transition between university life and “the real world.”

Planning:

Walking a Tightrope in the Middle of a Tornado

The right to private property is a cornerstone of American freedom; everybody may own private land and do with it what they wish. This basic freedom has not changed in the 200 years of this nation. In this generation, problems arise when some people feel that with private property they can do with it as they wish, but with the growing population's demand on space, regulations are inevitable and necessary. Although every planner has a different approach, one principle is universal, uncontrolled growth is detrimental to both a human environment and a natural environment. The high demand for planning has thrust the profession into its own government agency with the authority to handle the necessity for planned land use. The purpose of planning agencies is to enforce the laws of the county, state, and nation. The crucial part of this vested power is the link they provide between the general public and the county political leaders.

The type of planning practiced in Whatcom County has greatly evolved from the planning which started in the 1700's on the East Coast. The most obvious difference between the two is that East Coast planning focused on the pedestrian society while West Coast planning focused on a society centered around transportation.

Planning started in the 1600's on the East Coast but in 1791 a city designer name Pierre L'Enfant drew a design for Washington D.C. and created one of the first formal city plans. It was based on the grid, square block pattern of European cities. L'Enfant's main objective was to "connect each part of the city...by making the real distance less from place to place." (Two Centuries of American Planning, 1988, pg.13) The city was planned with the interests of the pedestrian in mind, making the city accessible. This was the mind frame for all cities built along the eastern seaboard. As time went on, the city population grew and massive high-rise housing buildings were built to accommodate the people. Since

shopping, work, and housing were all centered in the city, the population stayed confined within a few miles of the center.

In the mid-eighteen hundreds cities changed with the introduction of the Streetcar Suburb. These were communities built around the first mode of major rail transportation, the streetcar. (Two Centuries of American Planning, 1988, pg.41) This flight to the suburbs came as a result of commerce and manufacturing dominating huge sections of the central city. Urban areas were quickly becoming over populated and polluted and new rail systems made moving out of the city possible.

The economic vitality and aesthetics of the city died when the population moved and planning was forced to deal with the change. The goal of planning became to revitalize the city into a clean, economic, prosperous city center and it started with the City Beautiful Movement in the 1890's. The City Beautiful Movement envisioned the urban centers as,

"A civic center on the rim of the urban retail-commercial core would draw all population groups because virtually everyone went downtown to work or shop, to transact government business, or to visit a cultural institution. Grouped buildings would speed a citizen's business while monumental architecture quickened civic pride and an awareness of a common bond, through government, with fellow urban dwellers. The center's plaza would accommodate concerts, civic celebrations, and national festivals...."(Two Centuries of American Planning, 1988, pg. 119)

Throughout the nineteen hundreds people still left the cities for the suburbs despite the City Beautiful Movement. Commercial and industrial uses continued taking up the majority of city land and only the poorer classes were left to reside in the cities as the upper class went to the suburbs.

This new way of suburban living made Frank Lloyd Wright's American utopia, a Broadacre City, a reality. (Two Centuries of American Planning, 1988, pg. 265) His vision in the 1930's was to have the American people enjoy large homesteads out in the country with the

industry, offices, shopping centers, and cultural centers intermingled among the homesteads. This way of living would be made possible by great superhighways ebbing throughout the country. "The superhighway system brought each homestead into convenient contact with as many jobs and services as the average family could conveniently reach in the largest city." (Two Centuries of American Planning, 1988, pg.265) By 1950 this vision was a reality to many Americans and planners began to know it as 'suburban sprawl'. Cities became decentralized and a family's daily life was located along the freeways of America. One spouse's work would be south of the home while the other's north, a child's school would be west, and the shopping center east, all accessed by freeways. There was no longer a centralized area where a person could work, shop, and take care of all their needs. The city as it had been known was now decentralized and only used by businesses and the occasional suburban resident visit.

When planning was focused on the pedestrian city, planners dealt with large numbers of people in small geographical spaces. As planning moved west, planners dealt with a smaller population in a large geographical area. By the time the Western states were large enough in population to be considered cities, rail systems and cars existed. Unlike East Coast cities, West Coast cities focused on the community population and with few exceptions, never had to make the transition from pedestrian to commuter city. The large geographical area and transportation systems allowed populations to spread horizontally out into the countryside instead of vertically in massive tenant buildings. Urban sprawl and commuter lifestyles have set the tone of issues planning departments have faced and will continue to face over the years.

In Washington State there is Whatcom County, with slow growth and smaller

population faces different planning challenges than King County with cities like Seattle and Bellevue. To understand what Whatcom County Planning Department goals and objectives are, it is important to look at the mission statement. (see Appendix B) The mission statement addresses the physical enhancement, development, and the socioeconomic health of the citizens and how the three branches implement these goals.

This mission statement gives a solid base to the intentions of Whatcom County Planning and Development Services. Land Use Supervisor, Roland Middleton, states that a central goal of the department is to ensure that the growth of one community corresponds to the growth of other communities in Whatcom County. To develop only one area and neglect surrounding areas is to kill the area socially and economically. Even though Middleton believes in the Mission Statement, he would like to change the Land Use Mission Statement and add more concrete assertion surrounding the treatment of the public and the role of the United States Constitution.

When dealing with the public, he stresses employees must treat them with courtesy and respect throughout the permit process and help guide them through the bureaucracy. An employee at the county department understands, better than anyone else, the permit process and it is their duty to educate the applicant as best as she/he can. This communication helps move the process along efficiently and makes the applicant aware of all the choices.

According to Middleton the Constitutional and Civil Rights surrounding private property are neglected. It is every humans civil right to have a good quality of life and the Constitutional right to due process of law. A person's land can not be taken or development hindered without going through proper channels. "The Due Process Clause of

the Fourteenth Amendment to the United States Constitution guarantees that “state actors” cannot take actions to deprive an individual of a property interest without affording him an opportunity to be heard about that denial.” (Listening to the Constitution, 1997, pg. 1) It is up to government agencies, like the planning department, to assure that citizens’ quality of life is not degraded and that the Fourteenth Amendment is duly applied.

How does the Land Use Department balance due process and civil rights through their work? The first step is to have a departmental goal. Whatcom County’s Land Use goal can be generalized to maintain and increase the quality of life in Whatcom County. To achieve the goal, a permit system must be implemented as a guideline for development. This system can not be too rigid as to hinder innovative plans or put unnecessary constraints on landowners. When developing a planning process, planners must always keep the future in mind, understanding that building practices, environmental conditions, and policies are likely to change. The permit application must be flexible enough so that it does not become obsolete when change occurs.

The second step is to treat the public with respect. Middleton constantly reminds employees that the department deals with real people with different life histories that need to be respected. The county employees are neither lawmakers nor the final decision-makers, they are there to enforce the laws and educate the public. Elected public officials create laws and the Planning Department designs the way to implement them, such as the Zoning and Critical Areas Ordinances. The laws are created to enhance or at least maintain the citizens’ quality of life. Even if employees do not agree with the law personally they must ensure the laws are respected. If the public does not agree with laws and ordinances are reflected in the voting patterns of the county members. No matter the situation, to

effectively enforce the laws and attain the goals of the department there needs to be mutual respect for the parties involved. If there is not, conflict will arise and the process will not be positive. A combination of disagreement with laws and a lack of respect resulted in a county movement to have two areas succeed and create their own counties.

One area that proposed succession was Pioneer County located west of Guide Meridian and north of Slater Road, including the towns of Blaine and Ferndale. The second succession would be called Independence County located east of Guide Meridian, including the towns of Everson, Lynden, Nooksack and Sumas. In 1993, as a result of the adoption of a Critical Areas Ordinance, regulating wetlands and the sensitive ecosystems around them, county citizens felt dominated by the government. People felt that there was too much regulation in the government and that private property rights were being taken away. An Independence County supporter, Walt Humphrey, stated "I feel like people should have control of government. What's driving this is people who are losing their rights."

("Separatists say politicians get message" 1993, A1) The feeling was that PDS had no respect for the county citizens by making them abide by land use ultimatums. "Howard Andreason, informal leader of the Pioneer County Committee said he learned in a farm class during high school that 'the majority rules, but the rights of the minority are respected. That's what we have lost.'" ("Angry activists jab back," 1993, A1)

Citizens were not informed about the ordinance and felt the government was working against them. The succession movement was somewhat abated by the county planners who held meetings with the public and provided education about the ordinances. The planners pointed out how legislation protected their way of life by lessening flooding, keeping streams cleaner, and helping the fish thrive. Middleton said once the citizenry was

informed and understood the ordinance they were not so vehemently against it. During the meeting process relationships were based on understanding and respect were established.

Part of the succession was spurred by an environmental regulation. In a profession like planning it is impossible to ignore the environment. The issue for the Land Use Department is that the natural environment must be preserved, protected, and enhanced to assure the quality of life. The construction of a industrial steel mill in a residential area is going to create a degradation of quality of life to many of the residents there because of the added noise and air pollution, the alteration of the landscape, added traffic, etc. As humans learn more about the natural environment and how integral it is in their daily lives, they are supporting laws and regulations for its protection. It is for this reason that the planning department is established, to put similar uses together so that land uses do not have to compete and adversely affect each other. For PDS the environmental agenda is to neither increase nor decrease environmental protection but enforce those that are established.

Planning is a very powerful and needed part of our government. The West Coast form of planning is different than the planning in the Mid-West and East. Whatcom County planning is meant to work for the people and help them utilize their land in the best way possible, benefiting all groups involved. While implementing the permit process employees must maintain the civil right of a good quality of life, respect the people, and uphold the constitutional right of due process.

Planners are constantly walking a tightrope in the middle of a tornado. The laws and public opinion are constantly changing and planners still have to enforce rules and regulations surrounding private property. They can not be too restrictive or they run the risk of stifling progress but they can not be so flexible that a persons' quality of life is

degraded. They are constantly trying to find a balance that appeases all parties involved, which is not always possible.

The employees at Whatcom County Planning and Development Services create the vital link between the citizens and government authorities. When land use regulations are passed down from the higher levels of government, planning departments are the ones who see the effects first hand. The planning department experiences the backlash every time something in the structure changes, finding themselves in a tough spot of enforcing laws while witnessing the affects on individuals. Whether people agree with the laws or not, it is not for the Planning Department to change them. Citizens have the power through the vote and lobbying elected officials to get the changes they want.

The profession of planning is the first to deal head on with development and land use. The importance of planning will never diminish because as the nation's population keeps growing land will always be in demand. It is hard to say if the current planning track of Whatcom County is the best track, but it is dealing with the issues at hand to the best of the departments ability. Planning will go through evolution as the demand on land and environmental conditions change but at least PDS is an established agency that will be able to adapt to changes.

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Porter, Mark. "Separatists say politicians get message" Bellingham Herald, 13 Jan. 199, A1.

Norstadt, Andy. "Taking Heat." Bellingham Herald, 6 Sept. 1993, A1.

Interview

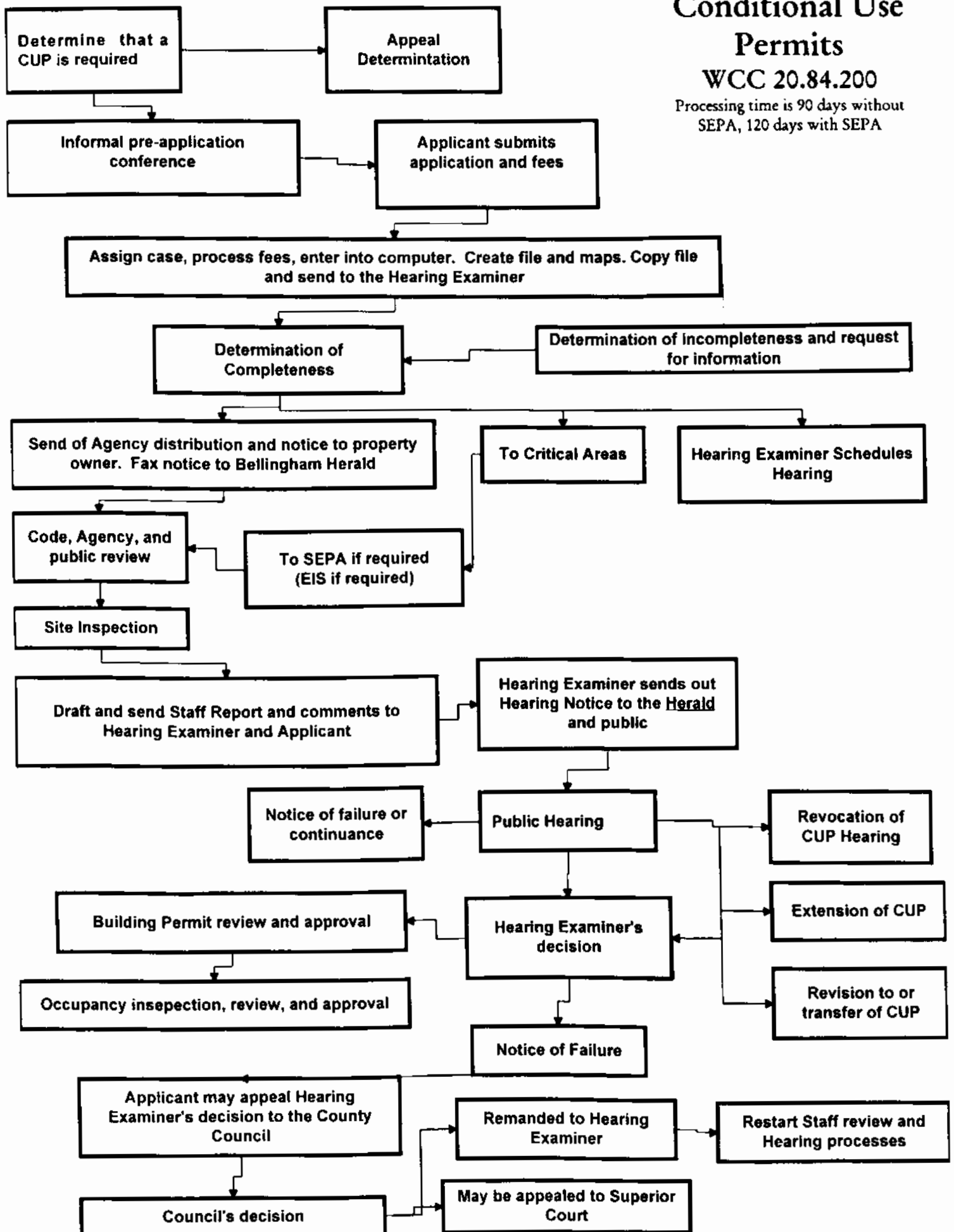
Middelton, Roland. Personal interview. 11 May 1998.

Appendix A

Conditional Use Permits

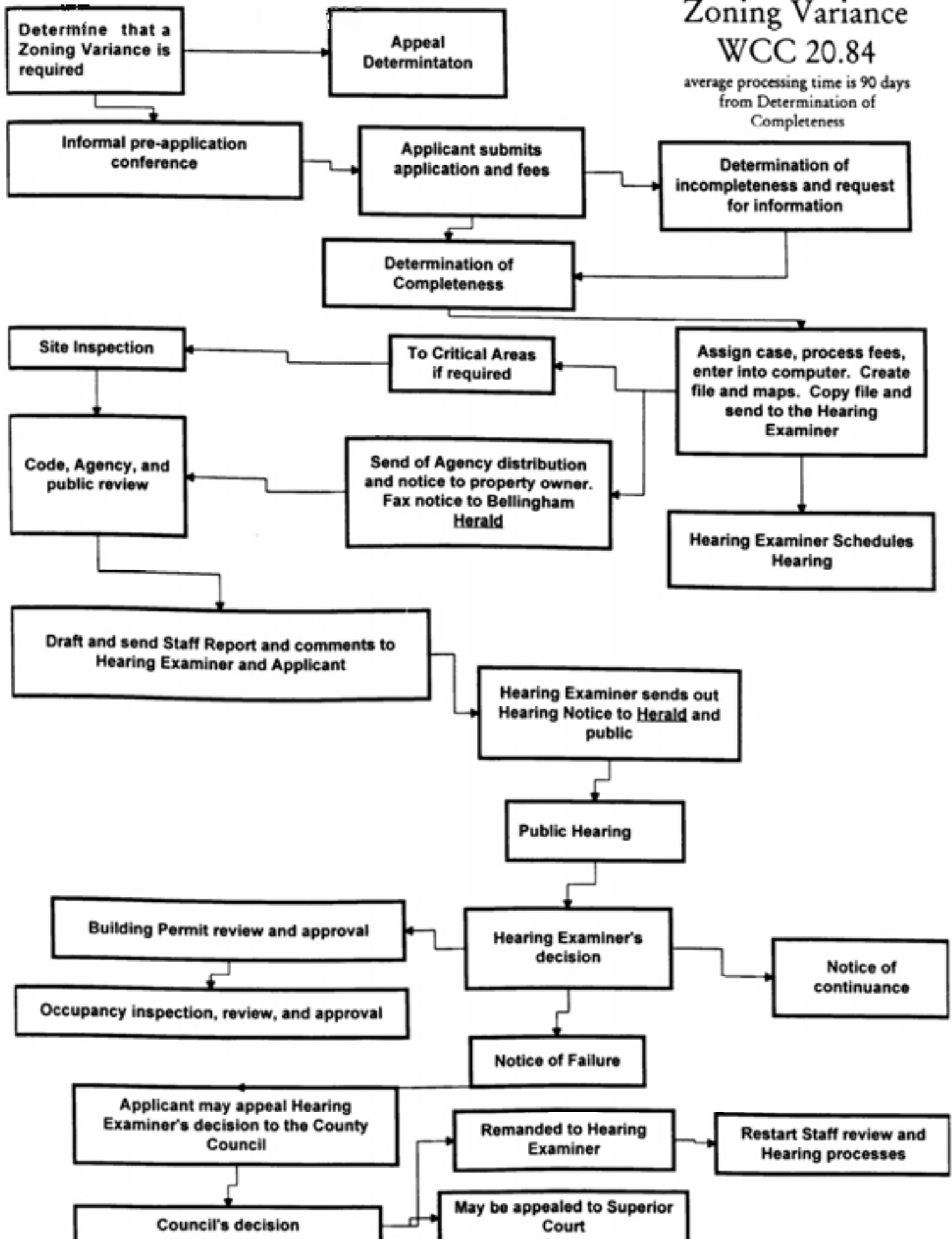
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Processing time is 90 days without
SEPA, 120 days with SEPA



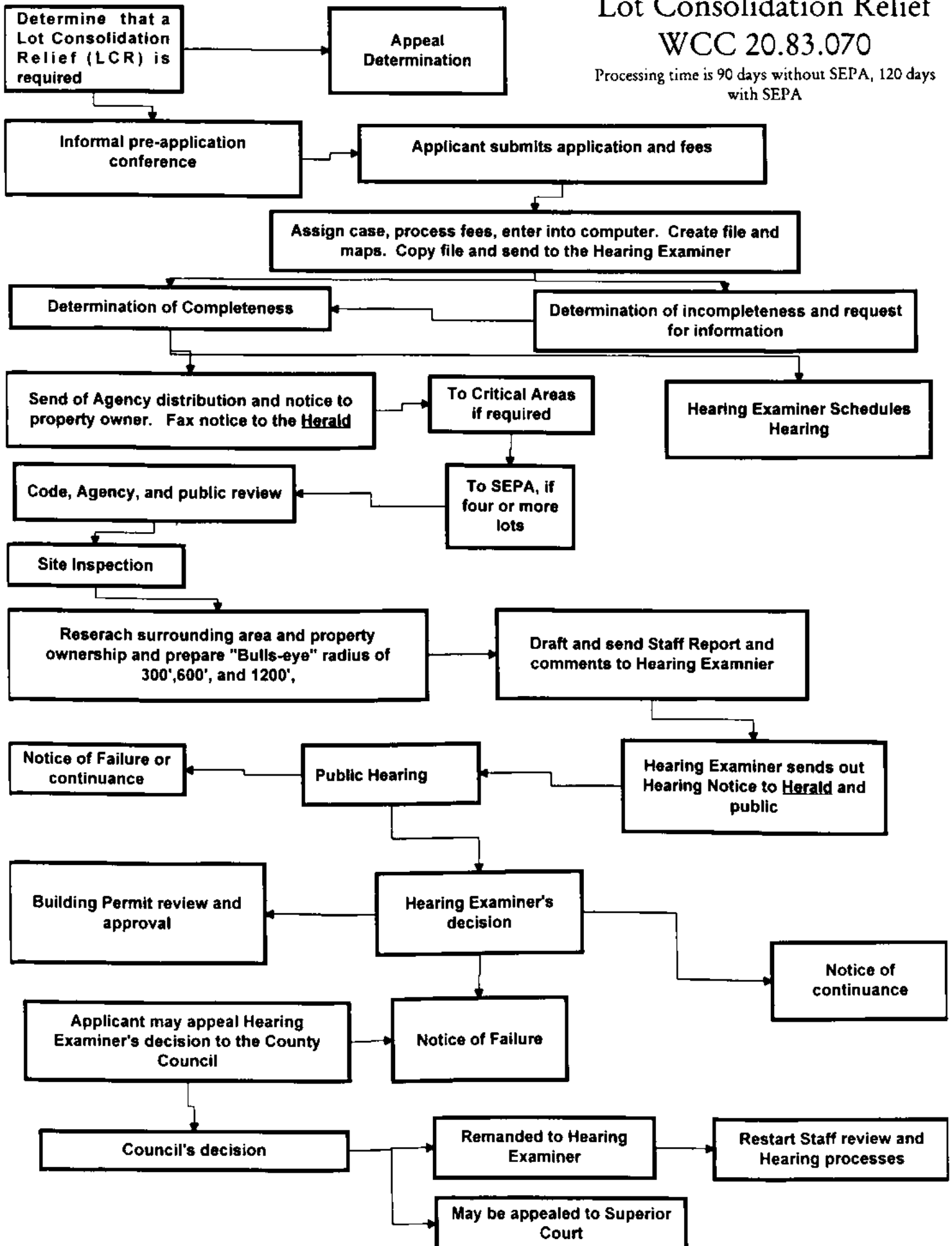
Zoning Variance WCC 20.84

average processing time is 90 days
from Determination of
Completeness



Lot Consolidation Relief WCC 20.83.070

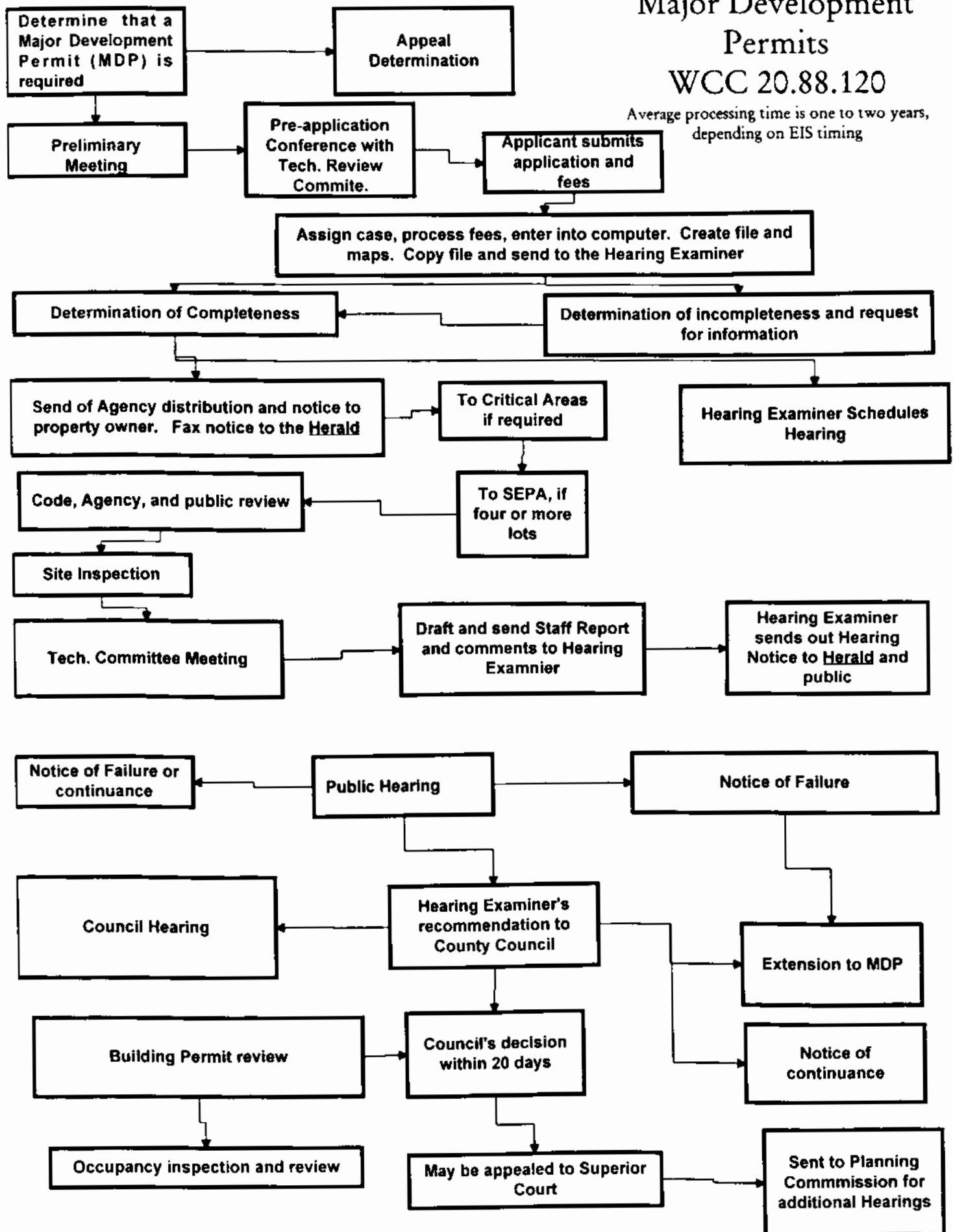
Processing time is 90 days without SEPA, 120 days
with SEPA



Major Development Permits

WCC 20.88.120

Average processing time is one to two years, depending on EIS timing



Appendix B

MISSION

Develop GMA (Growth Management Act) compliant long range comprehensive plans and policies and provide programs and services for the implementation of the comprehensive plans and the physical enhancement and development of Whatcom County as well as the social and economic health of its citizens. Customer service oriented administration of land use and building code regulations provides implementation of County policies within the building/zoning code and development review process as it relates to the physical and economic health of the County.

Planning Division

Prepare comprehensive land use, transportation and community facility plans, policies and official controls to guide and regulate the development of land within Whatcom County. Our secondary function is to provide advisory boards, legislative bodies, the County Executive, other departments and the general citizenry with reliable data and responsible and professional recommendations concerning various land use related issues and to implement the various plans and policies. Compliance with the Growth Management Act (GMA) has become a major portion of the department's mission along with a focus on economic development.

Land Use

The administration of land use, environmental, and zoning code regulations provides for the implementation of the Comprehensive Plan and other County policies within the Federal, State and County regulations as it pertains to the development review process and as it relates to the physical and economic health of our County.

Building Division

Administering of UBC, UFC, WAC, UMC, UPC, WEC, UIVQC, UHADB, and WCC codes provides implementation of County, State and Federal laws and policies as it relates to the health, safety and welfare of the Whatcom County community.

OBJECTIVES

Seek input from the Whatcom County community, learn from the past, offer visions and choices for the future, and recommend policies and actions which promote or achieve the following:

- ◆ Involve citizens in County decision.
- ◆ Anticipate trends and emerging issues
- ◆ Insure Compliance with the Growth Management Act
- ◆ Preserve and enhance unincorporated county neighborhoods and housing choices.
- ◆ Provide harmony between the natural and built environment.
- ◆ Support a healthy economic base.

- ◆ Promote adequate parks, recreation and cultural resources.
- ◆ Assure a reliable transportation system with alternative modes.
- ◆ Enhance the county's appearance and quality of life.
- ◆ Seek creative solutions to regional problems/opportunities.
- ◆ Develop and test new County programs, prepare and administer fiscally responsible budgets.
- ◆ Maintain and improve upon the high levels of customer service that we have achieved.
- ◆ Provide accurate and timely service to the public using available resources.

Planning Division

- ◆ Comply with the Growth Management Act.
- ◆ Implement the Comprehensive Plan.
- ◆ Coordinate Capital Facilities planning.
- ◆ Complete and implement Regulatory and Administrative Reform.
- ◆ Complete Development Standards.
- ◆ Preserve, protect & enhance the county's water resources through the Water Resources Program.
- ◆ Perform mandated current planning functions including review of rezones, open space, annexation requests, text amendments, comprehensive plan amendments, forest practice applications, and public support on land use questions.
- ◆ Enhancement of GIS resources to increase interdepartmental communication and promote GIS services with other jurisdictions, the development community and with citizens.
- ◆ Coordinate the creation of a Lummi Reservation Zoning Ordinance.

Land Use Division

- ◆ Continue to improve upon the levels of customer service that have been achieved.
- ◆ Provide accurate and timely service to the public using available resources.
- ◆ Monitor the Consolidated Permit Process as contained in WCC2.33 to ensure compliance with SHB 1724 time frames and make recommendations to the County Executive and Council regarding amendments necessary to improve the process.
- ◆ Assist general public and development community in understanding and complying with the applicable land use and environmental laws that pertain to their property or development proposals.
- ◆ Provide the required Departmental services, including enforcement, with courtesy, compassion and professionalism.
- ◆ Continue to refine administrative processes to enable more efficient use of resources.
- ◆ Implement new requirements and regulations as mandated by Federal and State laws, such as changes to the Forest Practices Act and other anticipated changes in the coming year.

- ◆ Provide for certainty in an ever changing regulatory environment; by staying current with amendments and approval of Federal, State and Local laws and forwarding that information to the public in a timely manner.

Building Division

- ◆ Maintain and improve upon the levels of customer service that we have achieved.
- ◆ Provide accurate and timely service to the public using available resources.
- ◆ Maintain residential plan review turnaround at four weeks.
- ◆ Process minor commercial plans within eight weeks.
- ◆ Process large commercial plans within 12 weeks.
- ◆ Maintain building inspection appointments with 24 hour notice.
- ◆ Eliminate outside plan review and replace with temporary plans examiner during peak periods.
- ◆ Continue public education of Division objectives relative to department tours, fire education workshops and other events
- ◆ Continue a position of Permit Coordinator to monitor and track permits and to provide backup for plan check during times of heavy work loads.
- ◆ Provide the required Department customer services, including enforcement and plans check with courtesy, compassion and professionalism.
- ◆ Continue joint arson investigation program with Sheriff's Office.
- ◆ Continue joint burn permit program with DNR and NWAPA.

Staff Reports



MICHAEL T. KNAPP, A.I.C.P.
Director

WHATCOM COUNTY
PLANNING AND
DEVELOPMENT SERVICES
5280 Northwest Drive
Bellingham, WA. 98226

ROLAND MIDDLETON
Manager
Land Use Services Division

October 16, 1997

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES

The application of
Vel Dearman
for a Zoning
Conditional Use Permit

No. CUP 97-0042

**FINDINGS, CONCLUSIONS,
AND, RECOMMENDATIONS**

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Application: The applicant is requesting a Zoning Conditional Use Permit to convert an existing 6 bedroom single family residence into a Bed and Breakfast Inn, utilizing 5 of the 6 bedrooms.

Recommendation: Staff recommends approval of the request subject to the attached conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Vel Dearman and Jacques Massie

Property Location/Address: 9447 Mt. Baker Hwy
Glacier WA. 98244

Legal Description: Located within the NW 1/4, Section 1, T39N,
R6, W.M.
Assessor's Parcel No. 189243

Zoning: Residential (R5A)

Comprehensive Plan: Rural

Subarea: Foothills

B. PROCEDURAL INFORMATION

Authorizing Ordinances WHATCOM COUNTY CODE, Section 20.84.200
Chapter 20.92, Official Zoning Ordinance

SEPA REVIEW: exempt

III. FINDINGS AND CONCLUSIONS

In order for the conditional use permit to be approved, the proposal must satisfy the criteria of WCC 20.84.200 (.220) 1 through 8. These criteria state that the proposal must:

- 2) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- 3) Will not be hazardous or disturbing to existing or future neighboring uses, be serviced adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools;
- 4) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services, not create excessive additional requirements at public cost for public facilities and services.
- 5) Will not be detrimental to the economic welfare of the community.
- 6) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.
- 8) Will not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

Applicable Policies and Regulations

The new Whatcom County Comprehensive Plan, adopted on July 15, 1997, does not specifically address Bed and Breakfast operations in the Rural Zone, nor are they addressed in the Foothills subarea document. However, Bed and Breakfast operations are conditionally permitted in the Rural Zone, per WCC 20.36.170.

Staff Findings:

The subject 2 acre site is located between Mt. Baker Highway and Cornell Creek Road. The site is irregularly shaped and wooded, containing a mixture of deciduous and coniferous trees and shrubs. The property has approximately 380 feet of road frontage on Mt. Baker Highway and 580 feet on Whatcom County Parks land and abandoned railroad right-of-way. The site is approximately 350 feet deep on the southeast side of the property and 280 feet deep on the northwest side. Current development includes the existing 2,800 square foot residence, access road, and utilities.

Surrounding properties on all sides are heavily wooded. Property to the north across Mt. Baker Highway consists of underdeveloped forest land, properties to the west and south are undeveloped and property to the east is developed with Single Family Residence. Building setbacks, height, and lot coverage are not applicable in this case, because the applicant does not propose any new structures.

The applicants have indicated that the property will be landscaped with as much native vegetation as possible. Therefore, no additional landscaping is recommended other than the 5 foot landscape strip required around all parking areas (WCC 20.80.350).

The Official Whatcom County zoning Ordinance does not specifically list the number of parking spaces required for a Bed and Breakfast operation. However, rooming houses require one space for each bed per WCC 20.80.580 (47). Therefore using this section of the code as a guideline, the proposal would require a total of 5 parking spaces including the 2 spaces normally required for single family residence (owner's use).

A parking area was indicated on the applicant's site plan. However, no parking or landscaping detail of the parking area was provided.

Therefore, a revised, detailed, parking plan including required landscaping, and designed in accordance with WCC 20.80.350 and WCC 20.80.500 shall be submitted to, and approved by, the Zoning Administrator prior to the issuance of any building permits to remodel the residence into a Bed and Breakfast. All parking and landscaping shall be installed per the approved plan prior to issuance of a Certificate of Occupancy.

The Official Whatcom County Zoning Ordinance does not address the installation of commercial signs in the Rural zone. Therefore, Staff recommends using the Cottage Industry signage requirements of the Rural zone (WCC 20.36.161) (8) as a guideline for signage in this case. These requirements are as follows:

"One non-illuminated free standing sign visible from the road and not exceeding six feet in height may be permitted. One additional non-illuminated sign may be attached to the building for a total maximum signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof."

In addition, a building permit shall be obtained for any sign installed on the site, and no such sign shall be located closer than 10 feet to any right-of-way.

Water for the site is supplied by a private well and the site is served by an existing septic system.

The Whatcom County Health Department stated that the proposal will require an approved public water supply, and the Health Department review and approval of the septic system, prior to occupancy.

The applicant shall comply with all conditions of the Health Department unless modified by the Health Department or appealed to the appropriate agency.

Police and fire protection for the site are supplied by the Whatcom County Sheriff's Office and Fire District 19. No comments or concerns regarding this application have been expressed by either agency.

The Deputy Fire Marshal submitted the following comments and conditions of approval for this proposal:

- 1) Applicant shall meet all provisions of WAC 212-52 for R-3 Bed and Breakfast.
- 2) A separate permit is required for the fire alarm system.
- 3) Emergency lighting shall be provided.
- 4) A fire extinguisher shall be 2A10BC and the location shall be approved by the fire marshal.

The applicant shall comply with all conditions of the Deputy Fire Marshal unless modified by the Deputy Fire Marshal or appealed to the appropriate agency.

As previously stated, the subject site is accessed by Cornell Creek Road, which is a county maintained Rural Minor Collector. The most recent Division of engineering traffic counts for this section of Cornell Creek Road were taken on January 1, 1986 and indicated an Average Daily Trip (ADT) count of 30. The Institute of Traffic Engineers (ITE) Trip Generation manual does not address the traffic generation for Bed and Breakfast lodgings.

The applicant has indicated the traffic is expected to be minimal (approximately 10 extra trips per day), and the Division of Engineering did not indicate any traffic concerns. Therefore, this small amount of traffic, should not have a significant impact on roads, or overall traffic in the area.

The Division of Engineering submitted the following comments:

- 1) The applicant shall obtain a Revocable Encroachment Permit for the access on Cornell Creek Road.
- 2) The applicant shall provide easement agreements for crossing privately owned lands.

The applicant shall comply with all conditions of the Division of Engineering unless modified by the Division of Engineering or appealed to the appropriate agency.

There is no evidence in the record to indicate that excessive levels of traffic, noise, dust, smoke, fumes, or odors will be generated from this proposal.

The Critical Areas Specialist has determined that the proposal is not located within a critical area and has not identified any other natural, scenic, or historic feature of major importance which would be lost, damaged or destroyed as a result of the granting of this request.

IV. RECOMMENDATION

Based on the above finding and technical review, Staff recommends approval of the request for a conditional use permit, subject to the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The use and location of the site as proved by this permit shall not be amended or changed in any way without further approval of the Hearing Examiner.
- 2) One non-illuminated free standing sign visible from the road and not exceeding six feet in height shall be permitted. One additional non-illuminated sign may be attached to the building for a total maximum signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.
- 3) A building permit shall be obtained for any sign installed on the site, and no such sign shall be located closer than 10 feet to any right-of-way.

- 4) Prior to the issuance of any building permits
 - a) A detailed, parking plan including required landscaping, and designed in accordance with WCC 20.80.350 and WCC 20.80.500 shall be submitted to, and approved by, the Zoning Administrator.
 - b) The applicant shall comply with all the conditions of the Whatcom County Health Department unless modified by the Health Department or appealed to the appropriate agency.
 - c) The applicant shall comply with all the conditions of the Deputy Fire Marshal unless modified by the Deputy Fire Marshal or appealed to the appropriate agency.
 - d) The applicant shall comply with all the conditions of the Division of Engineering unless modified by the Division of Engineering or appealed to the appropriate agency.
- 5) The applicant shall obtain a Certificate of Occupancy prior to commencement of the Bed and Breakfast operation.
- 6) Prior to issuance of a Certificate of Occupancy:
 - a) All parking and landscaping shall be installed per the approved plan.
 - b) The applicant shall demonstrate compliance with all of the above remaining conditions.

Report prepared by:
Beth Cullen, Land Use Intern
for: Marilyn Bentley, Land Use Specialist II

WHATCOM COUNTY

PLANNING AND
DEVELOPMENT SERVICES
5280 Northwest Drive
Bellingham, WA. 98226



MICHAEL T. KNAPP, A.I.C.P.
Director

ROLAND MIDDLETON, MANAGER
Land Use Services Division

DECEMBER 17, 1997

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES

The application of
Blair Beebe
for a Zoning
Conditional Use Permit

No. CUP 97-0053

FINDINGS, CONCLUSIONS,
AND, RECOMMENDATIONS

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Application: The applicant is requesting a Zoning Conditional Use Permit to construct a 1000 square foot accessory apartment in a new 3079 square foot residence proposed for the site.

Recommendation: Staff recommends approval of the request, subject to the attached conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Blair Beebe

Property Location/Address: 8908 Semiahmoo Drive
Blaine, WA. 98230

Legal Description: Located within the NW 1/4 of Section 10, T40N,
R1W, W.M.
Assessor's Parcel No. 392021

Zoning: Urban Residential (UR4)

Comprehensive Plan: Urban Reserve (Short Term Planning/Urban
Growth Area)

Subarea: Birch Bay-Blaine

B. PROCEDURAL INFORMATION

Authorizing Ordinances WHATCOM COUNTY CODE, Section 20.84.200
Chapter 20.92, Official Zoning Ordinance

SEPA REVIEW: Exempt

III. FINDINGS AND CONCLUSIONS

In order for the conditional use permit to be approved, the proposal must satisfy the criteria of WCC 20.84.200 (.220) 1 through 8. In summary, these criteria state that the proposal must: be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive Plan and zoning regulations, be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area, will not be hazardous or disturbing to existing or future neighboring uses, be serviced adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services, not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community, not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors, have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets, and not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

Applicable Policies and Regulations

Neither the new Whatcom County Comprehensive Plan or the Birch Bay Blaine subarea document specifically address accessory housing in the Urban Residential zoning designation.

However, amendments to the Official Whatcom County Zoning Ordinance adopted on July 15, 1997 (Ordinance 97-040) conditionally permits accessory residences in the Urban Residential zone, provided the subject property is located within a Short Term Planning/Urban Growth (STP/URG) area. The subject site is located within a STP/URG area.

Staff Findings:

The subject 6.53 acre, undeveloped, flag shaped site is located on east side of Semiahmoo Drive, approximately 1/2 mile south of Blaine city limits. The property is approximately 910 feet deep along the southern property line (excluding the driveway access), 550 feet deep along the north property line, 446 feet along the west property line, and 440 feet along the east property line. The site is accessed by a 60 foot wide, private easement off the east side of Semiahmoo drive.

Vegetation on the site consists of a mixture of coniferous and deciduous trees, and brush.

Surrounding properties on all sides are heavily forested and zoned Urban Residential. Development to the west includes a number of platted lots with single family residences.

A review of the applicant's site plan indicates that the proposal will have no difficulty in complying with the 35 foot front, and 5 foot side and rear yard setbacks, per WCC 20.80.210, and the maximum lot coverage of 35% of the site per WCC 20.20.450. The proposal will also be required to comply with the 35 foot height restriction in the zone, per WCC 20.20.400.

The applicant's proposal complies with the accessory dwelling restrictions as indicated in the Accessory Housing Checklist, which the applicant will submit, along with a recorded copy of the Accessory Housing agreement, either at or before, the public hearing.

Required parking for single family residences is addressed in the Official Whatcom County Zoning Ordinance, WCC 20.80.580 (50). This section states that two (2) parking spaces shall be provided for each single family dwelling. The site plan shows that the applicant has more than enough space to comply with the requirement for a total of four (4) parking spaces.

The applicant has indicated that the proposed apartment will be part of a new residence designed to blend in with the forested and residential appearance of the area. Therefore, it appears that the proposal will be harmonious and appropriate in appearance with the surrounding area.

Furthermore, there is nothing in the record to indicate that inclusion of an accessory residence in the proposed house plans, will change the existing or intended character of the general vicinity, or will be hazardous or disturbing to existing or future neighboring uses.

Semiahmoo Drive is a paved, county maintained major collector road. The site plan shows a proposed driveway accessing off the private easement at the southwest corner of the site.

The Institute of Traffic Engineers (ITE) Trip Generation Manual estimates traffic generated by a single family residence at 10 ADT (Average Daily Trips). Therefore, a total of 20 ADT will be generated by the uses on this site.

No Division of Engineering traffic counts were conducted in July of 1994 and indicated 715 ADT (Average Daily Trips). No comments or concerns regarding this proposal were received from the Division of Engineering.

Therefore, it appears that the addition of 20 vehicle trips to the subject site will not have a significant impact on overall traffic in the area.

There is no evidence that the proposal will create excessive additional requirements at public cost for public facilities and services.

The Whatcom County Health Department stated that the applicant will be required to prove that adequate water and sewer services exist or will be added to provide for the accessory residence.

Water for both units is supplied by the Birch Bay Water District, and verification of water supply was included with application materials, as was a Health Department approved septic design for both units.

Police and fire protection for the site is provided by the Whatcom County Sheriff's Office and Fire District No. 13. No comments or concerns regarding this proposal have been expressed by either agency, or the Chief Plans Examiner. However, a building permit is required for construction of both units.

The Whatcom County Deputy Fire Marshal stated that fire flow is required and submitted the following condition of approval for this permit:

- 1) The applicant shall submit a site plan showing the distance to the closest fire hydrant, located on Semiahmoo Drive, to the Deputy Fire Marshal for approval.
- 2) The fire hydrant shall be located within 600 feet of the furthest portion of the building.

The applicant shall comply with the above conditions of the Deputy Fire Marshal unless modified by the Deputy Fire Marshal, or appealed to the appropriate agency.

The applicant shall comply with the attached conditions of the Division of Solid Waste unless modified by that Division or appealed to the appropriate agency.

Staff has not identified any uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of smoke, fumes, glare or odors.

The Critical Areas Specialist has determined that the proposal is exempt from Critical Areas regulations. Staff has not identified any other natural, scenic, or historic feature of major importance in the immediate area would be lost, damaged, or destroyed as a result of the granting of this permit.

IV. RECOMMENDATION

Based on the above findings and technical review, staff recommends approval of the request, subject to the attached conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The use and location on the site as approved by this permit shall not be amended or changed in any way without further approval of the Hearing Examiner.
- 2) The applicant shall comply with the attached conditions of the Division of Solid Waste unless modified by that Division or appealed to the appropriate agency.
- 3) A building permit shall be obtained for construction of both the primary residence and the accessory apartment.
- 4) Prior to issuance of a building permit:
 - a) A site plan showing the distance to the closest fire hydrant, located on Semiahmoo Drive, shall be submitted to the Deputy Fire Marshal for approval.
 - b) The fire hydrant shall be located within 600 feet of the furthest portion of the building.

Report prepared by:
Marilyn Bentley, Land Use Specialist II



February 18, 1998

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES

The application of
New Century Partners LLC
for a Zoning
Conditional Use Permit

No. CUP 98-00004

FINDINGS, CONCLUSIONS,
AND, RECOMMENDATIONS

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Application: The applicant is requesting a Zoning Conditional Use Permit for a 33,320 square foot senior residential care facility on a 5 acre site. The senior residential care facility will be comprised of two sections; the main building will contain 30 rooms for assisted living and a 12 bed Alzheimer unit. The second area will contain 6 duplexes totaling 12 independent living units. The main building will be approximately 48,000 square feet in size and the independent living units will be approximately 2,600 square feet each in size.

Recommendation: Staff recommends approval of the request, subject to the attached conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: New Century Partners LLC

Property Location/Address: 8800 block Blaine Road
Blaine, WA 98230

Legal Description: Located within the NE 1/4 of Section 18, T40N, R1E, W M.
Accessor's Parcel Nos. 507416 & 515386

Zoning: Urban Residential (UR4)

Comprehensive Plan: Blaine Urban Growth Area

Subarea: Birch Bay-Blaine

B. PROCEDURAL INFORMATION

Authorizing Ordinances: WHATCOM COUNTY CODE, Section 20.84.200
Chapter 20.92, Official Zoning Ordinance

SEPA REVIEW: Determination of Nonsignificance (DNS)

III. FINDINGS AND CONCLUSIONS

In order for the conditional use permit to be approved, the proposal must satisfy the criteria of WCC 20.84.200 (.200) 1 through 8. In summary, these criteria state that the proposal must: be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive plan and zoning regulations, be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area, will not be hazardous or disturbing to existing or future neighboring uses, be serviced adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services, not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community, not involve uses, activities, processes, materials, equipment and property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors, have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets, and not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

Applicable Policies and Regulations

The Birch Bay-Blaine component of the Whatcom County Comprehensive plan does not address senior care centers in the Urban Residential zoning designation.

However, the Whatcom County Code allows senior care centers as a Conditional Use in the Urban Residential zoning designation. It states, "Retirement, boarding and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence and other helath-related services consistent with the purpose of the district." WCC 20.20.154

Staff Findings:

The subject 5 acre site is located on the east side of Blaine Road approximately 400 feet south of the intersection of Drayton Harbor Road. The property has 550 feet of frontage on Blaine Road and is 950 feet deep. The parcel is described as a forested wetland and the proposed project site is located within 200 feet of a mapped wetland area. The site is covered with shrubs, deciduous trees including Alder, Maple and Cottonwood, and coniferous trees, specifically, Fir, Cedar and Hemlock. Vegetation also consists of wet soil plants such as cattail, buttercups, bulrush, and skunk cabbage. The topography is generally flat terrain with very little relief and the site is currently undeveloped.

The areas to the north, south, and west are zoned Urban Residential (UR4) and the area to the east of is zoned Rural (R5A). The property to the north is a rural farmstead and the residence is currently vacant. Properties to the south and east consist of undeveloped woodlands. Properties to the west are relatively large parcels, some which border on California Creek, with development limited to single family residences and associated accessory structures.

The proposal includes 12 residential units (6 duplexes) on the five acre property, well below the 4 units per acre maximum density in this zone. The larger facility is not classified as a residence, therefore, is not considered residential in the overall density of 4 units per acre.

A review of the site plan indicates that the development will have no problem complying with the 25 foot front yard (Blaine Road) property line setback, and the 5 foot side yard and rear setbacks per WCC 20.80.210. Building height is restricted to 35 feet per WCC 20.36.400.

Lot coverage in the Urban Residential zone is restricted to 2,500 square feet or 35% of the overall lot size, whichever is greater, per WCC 20.20.450. All buildings on the site, including the new residences, will total 33,320 square feet, well below 35% of the subject 5 acre property

Landscaping details were not provided on the applicant's site plan. Therefore, a detailed landscaping plan designed in accordance with WCC 20.80.300 shall be submitted with the building permit application.

Required parking of single family residences is addressed in the Official Whatcom County Zoning Ordinance, WCC 20.80.580 (50). This section states that two (2) parking spaces shall be provided for each single family dwelling. The site plan shows that the applicant has more than enough space to meet parking requirements for the residences. The main building will have parking for staff and visitors; residents will not have cars. The duplexes will have garages that will provide ample parking space for the 12 independent living units. A detailed parking plan designed in accordance with WCC 20.80.500 shall be submitted with the building permit application.

All landscaping and parking shall be installed prior to issuance of a Certificate of Occupancy, or bonded for 125% of the cost of labor and materials for installation.

The Institute of Traffic Engineers (ITE) Trip Generation Manual estimates traffic generated by a senior center at 135 average daily trips (ADT) on the weekdays and 123 ADT's on the weekends. There will be an estimated 12 peak hour trips during the hours of 4pm until 6pm. The source of the traffic for the main building will be employees and visitors. Residents of the independent living units may own vehicles but the trip generation for housing for retired seniors is less than for a typical single family residence.

There is no evidence that the proposal will create excessive additional requirements at public cost for public facilities and services.

There is nothing in the record that indicates the building of this facility will be hazardous or disturbing to existing or future neighboring uses.

The Whatcom County Health Department stated proof of adequate water and sewer availability, must be provided for the proposed facility before a permit can be issued.

However, the applicant has provided documentation stating that water and sewer services are available from Birch Bay Sewer and Water District. A 16 inch waterline runs across the front of the property. This water line is capable of providing more than adequate fire flow for the facility as well as potable water service. A district sewer line of adequate capacity to handle sewage flows from the site is located about 2,000 feet south of the property. The line will need to be extended to the property in order to provide sewer service, this is normally done through a developer extension agreement with the District.

Due to staffing issues the Department of Engineering was unable to issue written comments at the time of drafting this report. However, Roger McCarthy of the Division of Engineering submitted the following verbal conditions:

- 1) The applicant shall obtain an access permit from the Washington State Department of Transportation (WSDOT) for Blaine Road.
- 2) A primary storm water drainage design report shall be submitted with the building permit application.

The applicant shall comply with all conditions of the Division of Engineering, unless otherwise modified by the Division of Engineering, or appealed to the appropriate agency.

Police and fire protection for the site are provided by the Whatcom County Sheriff's Office and Fire District No. 13. The Deputy Fire Marshall submitted the following conditions of approval for this property:

- 1) All structures shall be sprinklered, meeting the requirements of NFPA.
- 2) Fire hydrant locations shall be approved by the Fire Marshal prior to installation.

- 3) All Fire lanes of permeable surface shall be 5/8 – crushed rock. Any other permeable surface shall require approval for the Fire Marshal's Office with the concurrence of the local fire district.
- 4) The minimum width of the walkways shall be not less than 44 inches. All bridges shall be designed to hold the imposed loads of the firemen and a person on a stretcher or gurney. Bridge width shall be the same minimum of 44 inches.
- 5) The 42 unit assisted living facility shall be provided with a lock box. Lock box information may be obtained from the local Fire Chief, Dave England, at 371-2533.
- 6) Fire extinguishers, size 2A10BC, shall be provided throughout the building, in approved locations. The fire extinguisher in the kitchen shall be rated 20BC and shall meet the specifications of the extinguisher that goes along with the kitchen hood suppression system.
- 7) Separate permits are required for the kitchen hood suppression system, the sprinkler system, and the fire alarm system.
- 8) In the duplex units, a fire extinguisher rated 1A5BC shall be provided in each unit, or a larger extinguisher, rated 2A10BC, shall be located outside and accessible to both units.
- 9) Applicant shall comply with all applicable sections of codes and ordinances adopted by the County.
- 10) There shall be no storage of flammable or combustible liquids in any of the buildings without the approval of the Fire marshal's Office.

The applicant shall comply with the attached conditions of the Deputy Fire Marshall, unless otherwise modified by the Deputy Fire Marshall, or appealed to the appropriate agency.

Staff has not identified any uses, activities, processes, materials, or equipment, that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of, smoke, fumes, or odors. Traffic impacts are addressed on page 3 of this report.

All outside lighting shall be shielded or directed away from neighboring streets and properties.

The Critical Areas Specialist has determined that the subject site requires mitigation measure for buffers along the wetlands. The wetlands cover 1.3 acres of the site. The wetlands areas are forested with the exception of a small area of wetlands near the south west corner of the site. The wetlands will remain undisturbed and retained as open space. The wetlands have been delineated and mapped on the site plans and since there is no consideration of future development on the site, no further wetland mitigation will occur.

As previously stated the Deputy Whatcom County Sepa Official issued a Determination of Nonsignificance on January 26, 1998, and did not express any concerns regarding this proposal.

IV. RECOMMENDATION

Based on the above findings and technical review, staff recommends approval of the request, subject to the attached conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The use and location on the site as approved by this permit shall not be amended or changed in any way without further approval of the Hearing Examiner.
- 2) All outside lighting shall be shielded or directed away from neighboring streets and properties.
- 3) The following items shall be submitted with the Building Permit:
 - a) Any Division of Engineering or Fire Marshal conditions which are required at that time.
 - b) Landscaping and parking plans designed in accordance with WCC 20.80.300 and 20.80.500.
- 4) A Certificate of Occupancy shall be obtained for this facility.
- 5) Prior to issuance of a Certificate of Occupancy:
 - a) The applicant shall comply with the attached conditions of the Deputy Fire Marshal, unless otherwise modified by the Deputy Fire Marshal, or appealed to the appropriate agency.
 - b) The applicant shall comply with all requirements of the Division of Engineering, unless modified by the Division of Engineering, or appealed to the appropriate agency.
 - c) The applicant shall comply with the requirements of the Whatcom County Health Department, unless modified by the Health Department, or appealed to the appropriate agency.
 - d) All parking and landscaping shall be installed per the approved plans or bonded for 125% of the cost of labor and materials for installation.

Report prepared by: Beth Cullen, Intern
For: Marilyn Bentley, Land Use Specialist III

Model File

APPLICATION PROCESSING TRACK

Land Use Permits

Application HERPICK File # CLP97-0001
 Date 1-7-97 Distribution by

Agencies which received a distribution are marked with a * * *

Agencies which are highlighted received a site plan

| | |
|--|--|
| [*] County Executive | [] Dept of Trans / 10ly / 18el |
| [*] County Council | [] Dept of Ecology |
| [*] Engineering - McCarthy | [] Dept of Natural Resources |
| [*] Planning Dept - Sjostrom | [] Dept of Fisheries |
| [*] Parks Dept - DeSpain | [] Dept of Wildlife - Stendall |
| [*] Prosecutor - Frakes | [] Dept of Soc Health Serv |
| [*] Assessor - Cunningham | [] Arch / Historical Pres |
| [*] Sheriff's Dept - Sandell | [] Attorney General |
| [*] Hearing Examiner - | [] Labor and Industries |
| [*] Fire District # <u>13</u> | [] Bonneville Power Admin |
| [*] Water District <u>CITY OF BLAINE</u> | [] State Patrol |
| [*] School District <u>SO2</u> | [] D.o. Lic / Real Estate Div |
| [] Council of Governments | [] Ag Ex |
| [] City of Bellingham | [*] SCS - Gillies |
| [] City of | [] Puget Power |
| [*] Health Dept - Kloc | [] Telephone Co. |
| [] NWAPA - Nyman | [] Nw Parks / Rec comm |
| [] Shoreline Admin - Aamot | [*] Cascade Natural Gas |
| [*] Lummi Tribal Council | [*] Chief Plans Exam - Spidel / Harrison |
| [*] Deputy SEPA Off - Middleton | [*] CAO - Fox / Goldthorpe |
| [] Subdivision - Stoner | [*] Fire Marshall - Webb |
| [*] BCA Manager - Knapp | [*] Solid Waste |
| [] | [] Whatcom Transit Authority |
| [] | [*] LDP - Koellmann |

| Staff Action | Date | Personnel |
|--|----------------|-------------|
| Determination of Completeness | <u>1-7-97</u> | <u>MDB</u> |
| Notice to the Herald and Property Owners | <u>1-7-97</u> | <u>MDB</u> |
| File to Hearing Examiner | <u>1-7-97</u> | <u>MDB</u> |
| SEPA EXEMPT DNS MDNS DS | <u>1-7-97</u> | <u>MDB</u> |
| CAO Review | <u>1-9-97</u> | <u>AF</u> |
| Site Inspection | <u>2-3-97</u> | <u>CLIO</u> |
| Staff Report - <u>APPROVE</u> DENY | <u>2-10-97</u> | <u>MDB</u> |
| Hearing | <u>3-12-97</u> | <u>MDB</u> |
| Decision - APPROVE DENY | | |
| Appeal Decision | | |
| Building Permit | | |
| Occupancy Inspection | | |
| Occupancy Approval | | |

WHATCOM COUNTY HEARING EXAMINER

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICE

CUP 97-0001

MAR 21 1997

RE: Zoning Conditional Use Permit
Application for

DAVE & EILEEN HERRICK

File No. ~~0087-0001~~

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION

RECEIVED

SUMMARY OF APPLICATION AND DECISION

Application: Dave and Eileen Herrick are requesting a zoning conditional use permit which would allow utilization of an existing 780 square foot single family residence on their residential property as an accessory dwelling. A new 1,380 square foot residence will be moved onto the site from another location. This moved house will be the primary dwelling unit on the site.

Decision: The requested conditional use permit is approved subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted and evidence presented at the public hearing.

I.

Applicant: Dave and Eileen Herrick

Property Location/Address: 9010 Valley View Road
Custer, Washington 98240

Legal Description: Assessor's Parcel #025159, within
Section 11, T40N, R1E, W.M.

Zoning: R5A

Comprehensive Plan: Rural 5 Acres

Subarea: Birch Bay-Blaine

Authorizing Ordinances:

WHATCOM COUNTY CODE, Section 20.84.200
Chapter 20.92
Official Zoning Ordinance

SEPA Review: Exempt

Legal Notices: Posted - February 23, 1997
Mailed - January 7, 1997
Published - January 15 and February 27, 1997

Hearing Date: March 12, 1997

Parties of Record:

Dave and Eileen Herrick
9010 Valley View Rd
Custer WA 98240

Marilyn Bentley
Planning & Development Services
5280 Northwest Drive Northwest Road
Bellingham, WA 98226

Exhibits:

- 1 Zoning Conditional Use Permit
- 2 Affidavit of Publication dated January 15, 1997
- 3 Affidavit of Publication dated February 27, 1997
- 4 Certificate of Posting of Notice
- 5 Certification of Mailing of Notice
- 6 Planning and Development Services staff report and recommendation
- 7 Septic Permit

- 8 Water Verification
- 9 Site Plan
- 10 Vicinity Map
- 11 Zoning Map
- 12 Aerial Map

II.

The applicants are the owners of a 3.5 acre site located on the east side of Valley View Road between Haynie and McGee Roads. The property is in the Birch Bay-Blaine Subarea. The property is zoned Rural 5 Acre.

The subject parcel has approximately 400 feet of road frontage and a depth of approximately 400 feet. The site is fairly flat, partially cleared, and contains some large trees and residential landscaping. Current development on the property includes the subject 780 square foot single family residence, a 350 square foot carport, a 1,200 square foot personal shop building, and a 100 square foot storage shed.

There is also another residence on the site. This residence will be removed and replaced by the 1,380 square foot residence being moved to the site. This new residence will be the primary residence.

III.

Surrounding properties are zoned Rural 5 Acre and consist of scattered single family residence on the north, south and west. Property to the east consists of undeveloped woodland.

IV.

The applicants' site plan indicates the proposal will comply with the setback requirements. The building height in the area is restricted to 35 feet. The proposed development will be consistent with the lot coverage requirements of the zoning ordinance. The applicant will comply with the parking space requirements of two spaces for each unit.

V.

Using an existing home on site as an accessory residence and allowing the location of a new 1,380 square foot primary residence on the site will have virtually no impact on surrounding property owners. The proposed use is compatible with existing and future anticipated uses in the area.

There are two existing driveways on the site, each of which has adequate sight distance. The property is located on a paved county maintained road which is classified as a minor collector. The addition of traffic for a second residence will not have a significant impact on overall traffic in the area.

VI.

No member of the public has commented on or objected to the requested permit. No county agency has objected to approval of this permit. The applicant has not objected to any of the conditions of approval recommended by staff.

VII.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

CONCLUSIONS OF LAW

I.

An accessory dwelling unit can be placed on a Rural zoned parcel if the proposal is consistent with the conditional use criteria. Since Ordinance #95-031 expired under a "sunset " clause, proposals for accessory units are required to go through the public hearing process and obtain conditional use approval.

II.

Conditional use approval can be granted if the proposal is consistent with the

criteria of WCC 20.84.220 (1 - 8). This proposal is compatible with the surrounding area and will have no negative impacts on existing or future anticipated uses in this area or on the public interest. The proposal is consistent with the conditional use criteria and with the Whatcom County Comprehensive Plan and should be approved.

III.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

DECISION

A conditional use permit is hereby granted to Dave and Eileen Herrick allowing utilization of an existing 780 square foot single family residence as a residential unit, accessory to a new 1,380 square foot residence being moved onto the site from another location. The property is located at 9010 Valley View Road, Custer, Washington, Assessor's Parcel No. 025159. The conditional use permit is approved subject to the following conditions:

1. The use and location on the site as approved by this permit shall not be amended or changed in any way without further approval of the Hearing Examiner.
2. The applicant shall comply with the attached conditions of the Deputy Fire Marshal and the Chief Plans Examiner, unless otherwise modified by the Fire Marshal and Plans Examiner, or appealed to the appropriate agency.
3. The applicant shall complete construction or, if no construction is contemplated as a part of this permit, shall demonstrate compliance with all of the conditions of this permit within twelve (12) months of the date of the issuance of this decision. Failure to complete construction or demonstrate compliance shall result in the expiration of this permit. Substantial progress toward completion may satisfy the terms of this condition if approved by Whatcom County Planning & Development Services and the Hearing Examiner. The applicant or permit holder may apply for an extension for a term of up to one year upon a showing that substantial progress has been made toward completion or compliance. An extension shall be granted if the Hearing Examiner finds that the applicant or permit holder will suffer a substantial hardship if the extension is denied. The Hearing Examiner may grant an extension for any other good cause shown, in his discretion, but extraordinary circumstances must be shown to obtain an extension of more than one year. The Hearing Examiner shall obtain

the concurrence of Whatcom County Planning & Development Services before granting any extension.

NOTICE

This approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for its revocation. Complaints regarding a violation of the conditions of this permit should be filed with Whatcom County Planning and Development Services. The Hearing Examiner may not take any action to revoke this approval without further public hearing.

Violations of this title shall constitute Class I civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80.RCW.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF THE WHATCOM COUNTY HEARING EXAMINER

This action of the Hearing Examiner is final. The following review procedure is available from this decision and may be taken by the applicant, any party of record, or any County department.

Appeal to County Council. Within ten calendar days of the date of the decision a written notice of appeal may be filed with, and all required filing fees paid to, the Whatcom County Council, Courthouse - 1st Floor, 311 Grand Avenue, Bellingham, WA 98225. The appeal notice must state either:

- 1) The specific error of law which is alleged, or
- 2) How the decision is clearly erroneous on the entire record.

More detailed information about appeal procedures is contained in the Official Zoning Ordinance at Section 20.92.600-.830. A copy of this document is available for review at the County Council Office.

After an appeal has been filed and the Council office has received the hearing record and transcript of the public hearing, the parties will be notified of the time and date to file written arguments.

DATED this 19 day of March 1997.


Michael Bobbink, Hearing Examiner

WHATCOM COUNTY

PLANNING AND
DEVELOPMENT SERVICES
5280 Northwest Drive
Bellingham, WA. 98226



MICHAEL T. KNAPP, A.I.C.P.
Director

BILL FLOREA, MANAGER
Land Use Services Division

FEBRUARY 10, 1997

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES

The application of
Dave and Eileen Herrick
for a Zoning
Conditional Use Permit

No. CUP 97-0001

FINDINGS, CONCLUSIONS,
AND, RECOMMENDATIONS

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Application: The applicants are requesting a Zoning Conditional Use Permit to utilize an existing 780 square foot single family residence on their Residential property as an accessory to a new 1,380 square foot residence being moved onto the site from another location. The moved house will be the primary dwelling unit.

Recommendation: Staff recommends approval of the request, subject to the attached conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Dave and Eileen Herrick

Property Location/Address: 9010 Valley View Road
Custer, WA. 98240

Legal Description: Located within the SW 1/4 of Section 11, T40N,
R1E, W.M.
Assessor's Parcel No. 025159

Zoning: Rural 5 Acres (R5A)

Comprehensive Plan: Rural

Subarea: Birch Bay-Blaine

B. PROCEDURAL INFORMATION

Authorizing Ordinances WHATCOM COUNTY CODE, Section 20.84.200
Chapter 20.92, Official Zoning Ordinance

SEPA REVIEW: Exempt

III. FINDINGS AND CONCLUSIONS

In order for the conditional use permit to be approved, the proposal must satisfy the criteria of WCC 20.84.200 (.220) 1 through 8. In summary, these criteria state that the proposal must: be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive Plan and zoning regulations, be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area, will not be hazardous or disturbing to existing or future neighboring uses, be serviced adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services, not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community, not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors, have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets, and not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

Applicable Policies and Regulations

The Birch Bay-Blaine component of the Whatcom County Comprehensive Plan does not address accessory housing in the Rural zoning designation.

However, on January 25, 1994, Ordinance No. 94-002 was adopted by the Whatcom County Council, and subsequently signed into law by the County Executive on February 16, 1994. This ordinance specifically allowed accessory dwellings as a Conditional Use in Rural, Rural Residential, Urban Residential, Resort Commercial, Rural Residential Island, and Urban Residential Medium Density zones within Whatcom County.

On June 20, 1995, Ordinance No. 95-031 was adopted by the Whatcom County Council, and subsequently signed into law by the County Executive on July 10, 1995. This Ordinance amended the original Ordinance to permit accessory dwelling units to be approved Administratively. A "Sunset Clause" was placed on this ordinance for further review, and was inadvertently overlooked by the County Council, and the amended ordinance expired on June 15, 1996.

Therefore, Staff has been advised that until the amended ordinance can be reintroduced and approved by the County Council, accessory dwellings can only be reviewed under the terms of the original ordinance (94-002) which requires a Conditional Use permit review and a public hearing.

Staff Findings:

The subject 3.59 acre site is located on the east side of Valley View Road between Haynie and McGee Roads. Road. The property has approximately 400 feet of road frontage, and also has a depth of approximately 400 feet. The site is fairly flat, partially cleared and contains some large trees and residential landscaping. Current development includes the subject 780 square foot single family residence, a 350 square foot carport, a 1,200 square foot personal shop building, and a 100 square foot storage shed. There is also another existing residence on the site which will be removed, and replaced by the 1,380 square foot residence being moved to the site. The new 1,380 square foot residence will be the primary residence.

Surrounding properties are zoned R5A, and consist of scattered single family residences on the north south and west. Property to the east consists of undeveloped woodland.

A review of the applicant's site plan indicates that the proposal will have no difficulty complying with the 35 foot front yard property line setback from a minor collector (Valley View Rd.), the and 5 foot side yard setbacks per WCC 20.80.210. Building height is restricted to 35 feet per WCC 20.36.400.

Lot coverage in the Rural zone is restricted to 2,500 square feet or 35% of the overall lot size, whichever is greater, per WCC 20.36.450. Existing buildings on the site, including the new moved house, will total 3, 810 square feet, well below 54,733 square feet (35%) of the subject 3.59 acre property.

Required parking for single family residences is addressed in the Official Whatcom County Zoning Ordinance, WCC 20.80.580 (50). This section states that one (2) parking spaces shall be provided for each single family dwelling. The site plan shows that the applicant has more than enough space to meet parking requirements and also shows a proposed parking area for the accessory unit.

Staff has no reason to believe that using the existing house for an accessory dwelling would change how it is designed, and maintained. Therefore, it would appear that this small residence is already harmonious and appropriate in appearance with the surrounding area.

Furthermore, there is nothing in the record to indicate that utilizing this existing residence as an accessory residence will change the existing or intended character of the general vicinity, or will be hazardous or disturbing to existing or future neighboring uses.

Valley View Road is a paved County maintained road, classified as a Minor Collector. There are two existing driveways each with adequate site distance.

The Institute of Traffic Engineers (ITE) Trip Generation Manual estimates traffic generated by a single family residence at 10 ADT (Average Daily Trips). Therefore, a total of 20 ADT will be generated by the uses on this site.

The most recent Division of Engineering traffic counts for Valley View Road, south of Haynie Road, were conducted in 1993 and indicated 553 ADT. It is reasonable to assume that traffic may have increased somewhat over the past 4 years as a result of the growth experienced in Whatcom County during that time.

Therefore, the addition of 10 extra vehicle trips to the subject site is not expected to have a significant impact on overall traffic in the area.

The Division of Engineering stated that they have no comments or requirements for this proposal.

There is no evidence that the proposal will create excessive additional requirements at public cost for public facilities and services.

Water for the site is supplied by the City of Blaine, and there are two approved septic systems serving the property. No comments were received from the City of Blaine regarding this proposal, and the Whatcom County Health Department indicated that both the sewage disposal system and the public water supply are adequate for the proposed accessory dwelling unit and the new moved residence.

Police and fire protection for the site are provided by the Whatcom County Sheriff's Office and Fire District No. 13. No comments or concerns regarding this proposal have been expressed by either agency.

The applicant shall comply with the attached conditions of the Deputy Fire Marshal and the Chief Plans Examiner, unless otherwise modified by the Fire Marshal and Plans Examiner, or appealed to the appropriate agency.

Staff has not identified any uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, smoke, fumes, glare or odors.

The Critical Areas Specialist has determined that the subject site is exempt from Critical Areas regulations, and has not identified any natural, scenic, or historic feature of major importance in the immediate area would be lost, damaged, or destroyed as a result of the granting of this permit.

IV. RECOMMENDATION

Based on the above findings and technical review, staff recommends approval of the request, subject to the attached conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The use and location on the site as approved by this permit shall not be amended or changed in any way without further approval of the Hearing Examiner.
- 2) The applicant shall comply with the attached conditions of the Deputy Fire Marshal and the Chief Plans Examiner, unless otherwise modified by the Fire Marshal and Plans Examiner, or appealed to the appropriate agency.

Report prepared by:
Marilyn Bentley, Land Use Specialist II
for: Bill Florea, Land Use Division Manager

MASTER

WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES
5280 NORTHWEST DRIVE
BELLINGHAM WA, 98226
(360) 676-6907 (360) 380-8100

Post Notice

Land Use Permits
Check ☐ Supplemental Applications

File #: CuP97-0001

| | | | | |
|---|------------------|-----|---|--------|
| <input type="checkbox"/> Binding Site Plan | _____ | SEE | <input type="checkbox"/> Shoreline Substantial Use | _____ |
| <input checked="" type="checkbox"/> Critical Areas Review | _____ | LDP | <input type="checkbox"/> Shoreline Variance | _____ |
| <input type="checkbox"/> Lot Consolidation Relief | _____ | | <input type="checkbox"/> Surface Mining Permit | _____ |
| <input type="checkbox"/> Major Development | _____ | | <input type="checkbox"/> Zoning Conditional Use | 250.00 |
| <input type="checkbox"/> Planned Unit Development | _____ | | <input type="checkbox"/> Zoning Variance | _____ |
| <input type="checkbox"/> SEPA Checklist | _____ | | <input checked="" type="checkbox"/> Postage X .32 USA | _____ |
| <input type="checkbox"/> Shoreline Conditional Use | _____ | | <input type="checkbox"/> Other: X .46 CAN | _____ |

Receipt #: 01-13305 Date Paid: 1/6/97 Total Fees: 250.00

APPLICANT: FILLEN HERRICK
DAVE W. HERRICK
 Telephone: (360) 366-3810

Mailing Address: 9010 Valley View Rd.
Custer, W. 58240

AGENT/REP: SAME
Telephone: _____

Mailing Address:

OWNER: SAME
Telephone: _____

Mailing Address:

PROPERTY INTEREST OF APPLICANT: ☒ Purchaser ☐ Lessee ☐ Other: OWNER
 SITE ADDRESS: 9010 Valley View Rd. PARCEL SIZE: 3.59 AC
 LEGAL DESCRIPTION: Lot: _____ Block: _____ Div: _____ Plat: _____
 Section: 11, Twp: 40, Range: 1E, WM; Parcel #: 025 159 ☐ Dead Attached
 ZONING: RSA COMPREHENSIVE PLAN: RURAL SHORELINE: NIS
 WATER SOURCE: ☐ Well ☒ District/Association: CITY OF BLAINE
 SEWAGE DISPOSAL: ☒ Septic ☐ Sewer: _____ ☐ Flood Zone
NIF

Please provide the names and addresses of all property owners of any land within 300 feet of the subject parcel (excluding public right-of-way) by listing them in the area provided below (SEE ATTACHMENT FOR INSTRUCTIONS ON HOW TO OBTAIN THESE NAMES):

[illegible]

SUPPLEMENTAL APPLICATION ATTACHED: | 1
SITE PLANS ATTACHED (6 copies minimum): | 1

I, EILEEN HERRICK, hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and that the list of surrounding property owners is complete and current.

x Eileen Merrick
(Signature of Applicant)

Subscribed and sworn to before me
this 2TH day of Nov., 1996

(Signature of Owner)

My Commission Expires: Aug. 3, 1996

Marjorie D. Beale
Notary of Public for the State
of Washington residing at Bellingham

348 . .

RECEIVED PDS
JUN - 6 1968

68534

68534

See attached Schedule A.

61-524 Sub: 271
61-10: 961-121051

Vernon L. Herrick
VERNON L. HERRICK

STATE OF WASHINGTON)
) SS.
COUNTY OF WHATCOM)

Dated this 4th day of October, 1996.

Notary Public
Print name: Guy Nelson
My commission expires: 7/28/00



2040: 40 COUNTY
 TELL 122646: 15.
 10/21/98 11:33 AM
 REQUEST #1: FAT
 Stanley For 101, 40011 F
 BY: LF: 40011
 12.00 0.00

SCHEDULE "A"

THE LAND REFERRED TO IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF WHATCOM AND IS DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 608 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 11; THENCE EAST 416 FEET; THENCE NORTH 400 FEET; THENCE WEST 416 FEET; THENCE SOUTH 400 FEET TO THE POINT OF BEGINNING; EXCEPT COUNTY ROAD NO. 54, ALSO EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTHERLY FOLLOWING ALONG THE WESTERLY LINE OF SAID SOUTH HALF OF THE NORTH HALF (CENTER-LINE OF VALLEY VIEW ROAD NO. 54) FOR A DISTANCE OF 608.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE PRODUCED WESTERLY OF THAT TRACT DESCRIBED AS AN EXCEPTION IN THE AUDITOR'S FILE NO. 1149121, RECORDS OF WHATCOM COUNTY. SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHERLY FOLLOWING ALONG THE WESTERLY LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 11 FOR A DISTANCE OF 6.54 FEET MORE OR LESS TO A POINT THAT IS 60.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTH HALF OF SAID NORTH HALF WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTH LINE; THENCE EASTERLY PARALLEL WITH SAID SOUTH LINE FOR A DISTANCE OF 416.00 FEET MORE OR LESS TO THE EASTERLY LINE OF THE AFOREMENTIONED RECORDED EXCEPTION; THENCE SOUTHERLY FOLLOWING ALONG SAID EASTERLY LINE FOR A DISTANCE OF 7.79 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID AFOREMENTIONED RECORDED EXCEPTION; THENCE WESTERLY FOLLOWING ALONG THE SOUTH LINE OF SAID AFOREMENTIONED RECORDED EXCEPTION FOR A DISTANCE OF 416.00 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON



RECEIVED PDS
JUN 6 1967 TDM

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

NO. 68534

FIRST AMERICAN TITLE INSURANCE COMPANY

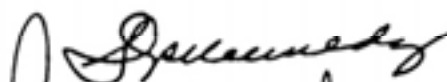
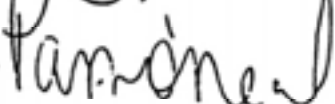
FIRST AMERICAN TITLE INSURANCE COMPANY, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This commitment shall be effective only when the identity of the proposed insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent indorsement.

This commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

First American Title Insurance Company

BY 
BY 

PRESIDENT

ASSISTANT SECRETARY



SCHEDULE B - SECTION 1

NO.: 68534

THE FOLLOWING ARE THE REQUIREMENTS TO BE COMPLIED WITH:

- ITEM (A) PAYMENT TO OR FOR THE ACCOUNT OF THE GRANTORS OR MORTGAGORS OF THE FULL CONSIDERATION FOR THE ESTATE OR INTEREST TO BE INSURED.
- ITEM (B) PROPER INSTRUMENT(S) CREATING THE ESTATE OR INTEREST TO BE INSURED MUST BE EXECUTED AND DULY FILED FOR RECORD.

SCHEDULE B - SECTION 2

THE POLICY OR POLICIES TO BE ISSUED WILL CONTAIN EXCEPTIONS TO THE FOLLOWING UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY.

- A. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS.
- B. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF.
- C. EASEMENTS, CLAIMS OF EASEMENT OR ENCUMBRANCES WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
- D. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY PUBLIC RECORDS.
- E. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER; WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B) OR (C) ARE SHOWN BY THE PUBLIC RECORDS; (D) INDIAN TRIBAL CODES OR REGULATIONS, INDIAN TREATY OR ABORIGINAL RIGHTS, INCLUDING EASEMENTS OR EQUITABLE SERVITUDES.
- F. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL THERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- G. ANY SERVICE, INSTALLATION, CONNECTION, MAINTENANCE, CONSTRUCTION, TAP OR REIMBURSEMENT CHARGES/COSTS FOR SEWER, WATER, GARBAGE OR ELECTRICITY.
- H. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES OR RECORD FOR VALUE THE ESTATE OF INTEREST OR MORTGAGES THEREON COVERED BY THIS COMMITMENT.

(CONTINUED)

1. GENERAL TAXES. THE FIRST HALF BECOMES DELINQUENT AFTER APRIL 30. THE SECOND HALF BECOMES DELINQUENT AFTER OCTOBER 31.

YEAR: 1996
AMOUNT BILLED: \$690.41
AMOUNT PAID: \$345.21
AMOUNT DUE: \$345.20, PLUS INTEREST AND PENALTY, IF DELINQUENT
ASSESSED VALUE: \$21,675.00 LAND
\$28,500.00 IMPROVEMENTS
\$50,175.00 TOTAL
TAX CODE NO.: 2040
TAX PARCEL NO.: 400111 025159 0000

GENERAL TAXES. THE FIRST HALF BECOMES DELINQUENT AFTER APRIL 30. THE SECOND HALF BECOMES DELINQUENT AFTER OCTOBER 31.

YEAR: 1996
AMOUNT BILLED: \$554.10
AMOUNT PAID: \$277.05
AMOUNT DUE: \$277.05, PLUS INTEREST AND PENALTY, IF DELINQUENT
ASSESSED VALUE: \$18,500.00 LAND
\$40,275.00 IMPROVEMENTS
\$58,775.00 TOTAL
TAX CODE NO.: 2040
TAX PARCEL NO.: 400111 025159 0002

NOTE: INTEREST AND PENALTIES, IF ANY, WHICH MAY BE DUE WHEN TAXES ARE PAID. CONTACT THE WHATCOM COUNTY TREASURERS OFFICE TO DETERMINE IF ANY INTEREST AND PENALTIES ARE DUE WHEN PAYING TAXES. TREASURER'S OFFICE PHONE NO. 360-676-6774

NOTE: SAID TAXES AS BILLED FOR THE CURRENT YEAR REFLECT AN EXEMPTION AS ALLOWED UNDER CHAPTER 84.36 R.C.W. FOR SENIOR CITIZENS.

ANY CHANGE IN OWNERSHIP THROUGH DEATH OR SALE OF SAID PREMISES PRIOR TO OCTOBER 31ST OF THE CURRENT CALENDAR YEAR MAY RESULT IN AN ASSESSMENT OF TAXES ON THE BASIS OF ONE HALF AT THE EXEMPTION RATE AND ONE HALF AT THE FULL RATE IN AN APPROXIMATE TOTAL AMOUNT OF \$761.42 FOR THE CURRENT YEAR.

(CONTINUED)

COMMITMENT NO: 68534

2. LIEN OF REAL ESTATE EXCISE SALES TAX UPON ANY SALE OF SAID PREMISES WITHIN THE CITIES OF BELLINGHAM, BLAINE, EVERSON, AND NOOKSACK IS 1.78 PERCENT.

TAX CODES 0100, 0104, 0300, 0301, 0600, 0601, 0602, 0630 AND 0631.

EXCISE SALES TAX IN ALL OTHER AREAS IS 1.53 PERCENT.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE WHATCOM COUNTY TREASURER AT 676-6774 OR OUR TITLE DEPARTMENT AT 733-5320.

3. SEE ATTACHED "EXHIBIT B" FOR FURTHER EXCEPTIONS.

ML/SMK

FIRST AMERICAN TITLE INSURANCE COMPANY
CENTRAL PLAZA, 215 COMMERCIAL ST, SUITE B
P.O. BOX 307, BELLINGHAM, WA 98227
733-5320, 384-4464
FAX 676-5837

SCHEDULE A

COMMITMENT NO. 68534
YOUR NO. NOT FURNISHED

1. EFFECTIVE DATE: JULY 12, 1996 AT 8:00 A.M.

TO: JAMES F. FLYNN, ATTY. (3CC)
805 DUPONT STREET, STE 4
BELLINGHAM WA 98225
ATTN: GAY

PROPOSED INSURED

DAVID M. HERRICK AND LILLIAN HERRICK, HUSBAND AND WIFE

| 2. POLICY POLICIES TO BE ISSUED | AMOUNTS | PREMIUM | TAX |
|---------------------------------|-------------|---------|-------|
| OWNER'S STANDARD COVERAGE: | \$55,450.00 | 390.00 | 30.42 |

NOTE: IN THE EVENT THIS TRANSACTION FAILS TO CLOSE, A CANCELLATION FEE WILL BE CHARGED FOR SERVICES RENDERED IN ACCORDANCE WITH OUR SCHEDULE.

3. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN SCHEDULE C AND COVERED HEREIN IS FEE SIMPLE AND TITLE THERETO IS AT THE EFFECTIVE DATE HEREOF VESTED IN:

VERNON L. HERRICK AND LILLIAN HERRICK, HUSBAND AND WIFE

SUPPLEMENTARY

WHATCOM COUNTY

RECEIVED PDS
JAN 16 1997 MDD

Supplemental Application:

File #: CUP97-0001

ZONING CONDITIONAL USE PERMIT

PROPOSAL DESCRIPTION (Be specific): EXISTING SFR UNDER 1000^{sq} TO BE
USED AS ACCESSORY TO HOUSE BEING MOVED ONTO
THE SITE

ESTIMATED TRAFFIC GENERATION (Each vehicle travelling to and from the site counts as two "trips")

Average Daily Trips: 10 (weekdays) _____ (weekends)
Peak Hourly Trips: _____ (per hour, between _____ am/pm and _____ am/pm)

BUILDING AREA (sq. ft.): Existing: 2,430^{sq} Proposed: 1,380^{sq} Total: 3,810^{sq}

EXISTING DEVELOPMENT: SMALL SFR 780^{sq}, GARAGE 350^{sq}, SHOP 1200^{sq}, STORAGE
SHED 100^{sq}, AND AN EXISTING HOUSE WHICH WILL BE REMOVED | Undeveloped

NEIGHBORING USES:

North: SFR
South: SFR
East: WOODS
West: SFR

NOTE In order for this application to be approved, the proposal must satisfy the conditional use criteria of the zoning ordinance (Section 2.24.660.610/20.84.220)

The following questions provide you an opportunity to explain how your proposal will satisfy each of the criteria. Answer each question as completely as you can.

- 1 Is this proposal in accordance with the general and specific goals and policies of the Whatcom County Comprehensive Plan and the Zoning Ordinance?

Explain:

Yes, accessory residences permitted
through CUP.

- 2 How will the proposed development be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area?

Explain:

A RESIDENTIAL HOUSE TO TIE
INTO THE RESIDENTIAL CHARACTER
OF THE AREA

- 3 What activities related to this proposal may be hazardous or disturbing to existing or future neighboring uses?

Explain:

NONE

- 4 Are essential public facilities, including highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, available to serve this development? Which will need to be constructed or improved?

Explain: EXISTING SEPTICS (2) ON SITE
BLAINE CITY WATER

- 5 What public costs for facilities and services will result from this proposal?
 Will the proposal be detrimental to the economic welfare of the community?

Explain: NONE

- 6 Describe any uses, activities, processes, materials, equipment and conditions of operation that may be detrimental to any persons, property or the general welfare by reasons of excess traffic, noise, smoke, fumes, glare or odors

Explain: NONE

- 7 Will the site have vehicular approaches that are designed so as not to create an interference with traffic on surrounding streets?

Explain: EXISTING DRIVEWAY CLEAR
IN BOTH DIRECTIONS

- 8 Are there any natural, scenic or historic features of importance on or near the site? What measures will be taken to protect them?

Explain: NO

x Eden Herrick

Signature of Applicant/Agent

11/12/96

Date

Signature of Owner

Date

CRITICAL AREAS ORDINANCE

CRITICAL AREAS DETERMINATION FORM

ROUTING: Sayne, 1/9/97

LOCATION: 9010 Valley View Rd.
 FILE NAME: Herrick
 PERMIT #(S): CUP97-0001

IMPORTANT: Initial and date each entry:

1. PRELIMINARY REVIEW: Date File Received 1/7/97

| | | | |
|-----------|-------|-------------|-------|
| Out of CA | _____ | Wetland | _____ |
| In CA | _____ | GeoHazard | _____ |
| CA Exempt | _____ | Fish/stream | _____ |
| | | Alluv. Fan | _____ |
| | | Wildlife | _____ |
| | | Aquif. Rech | _____ |

2. FIELD INSPECTION: Date _____

3. SUPPLEMENT REQUEST: Yes _____, No _____, Completed _____

4. MITIGATION PLAN: Yes _____, No _____, Completed _____

FINAL DETERMINATION: Out _____, In _____, Exempt XX, 1/9/97
 Explanation Conversion of existing structure - no new impacts

1. CONDITIONS: _____
 Wetland 900/901 _____
 GeoHazard 950/951 _____
 Fish/streams 900/901 _____
 Alluvial Fan 960/961 _____
 Wildlife _____
 Aquifer Recharge _____

2. FEES: Field Inspection \$ _____, Supplement \$ _____, Total \$ 35.00

3. FINAL SIGN-OFF (All CA conditions, mitigations completed in full): XX, 1/9/97

NOTES:

**STATE ENVIRONMENTAL
POLICY ACT / MISCELLANEOUS**

11 - USA
1 - CANADA

WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES

RE: MR. & MRS. DAVE
HERRICK

CERTIFICATION OF MAILING
OF NOTICE OF APPLICATION

FILE NO. CUP97-0001

I have placed 12 notices of application addressed to all owners of real property within a 300 foot radius of the subject property in the file set forth above, in the possession of the Whatcom County Mail Clerk. The property in question is located at:

9010 VALLEYVIEW DR.
CLUSTER, WA. 98240

Said notices state the property location and a description of the proposal.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Marilyn Bentley
Signature

1-7-97
Date

Whatcom
City/County Where Signed

The above described notices were mailed on 1/7/97

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Ann M. Spelton
Signature of Mail Clerk

1/7/97
Date

JAN 8 1997

Whatcom County P&DS

STATE OF WASHINGTON,
COUNTY OF WHATCOM,

ss **Affidavit of Publication**

JAN 21 1997

RECEIVE

WHATCOM COUNTY
NOTICE OF
APPLICATION FOR
ZONING CONDITIONAL
USE PERMIT

Notice is hereby given that Dave and Eileen Herick filed an application for a Zoning Conditional Use Permit, No. 025159, on January 6, 1997, to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA, within the SW 1/4 of Section 11, T40N, R1E, W1M, Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a

Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

NOTARY PUBLIC (L7220)

Gail Kihn

being first

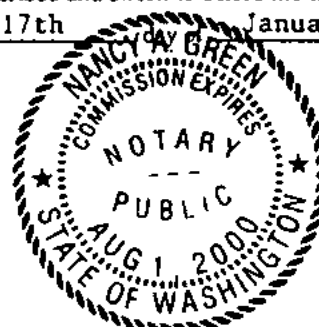
duly sworn on oath says: That (s)he is the Public Notices Clerk of The Bellingham Herald, a daily newspaper of general circulation in said county and state and of Federated Publications, Inc., a Delaware Corporation (publisher of said newspaper), and authorized to make this affidavit; that the legal notice entitled in the cause and court named on the attached copy which is a true and correct copy of the original (and hereinafter referred to as "Notice") was published in the regular and entire issue, and not in supplement, of each number of said newspaper published and circulated on the following dates, to wit:

January 15, 1997

that for more than six months prior to the date of the first publication of said Notice, at all times since, and now, the said "The Bellingham Herald" has been established, published and circulated in the English language continuously and continually as a daily newspaper in the city of Bellingham, Whatcom County, Washington, the same being at all times printed either in whole or in part in an office maintained at said place of publication; that such newspaper has been approved as a legal newspaper by order of the Superior Court of Whatcom County, Washington; that the full amount of the fee charged for such publication is \$ 111.72

Gail Kihn

Subscribed and sworn to before me this
17th January, 19 97



Nancy A. Green
NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham



WHATCOM COUNTY
PLANNING AND
DEVELOPMENT SERVICES
5280 Northwest Drive
Bellingham, WA 98226

MICHAEL T. KNAPP, A.I.C.P.
Director

BILL FLOREA, MANAGER
Land Use Services Division

MEMORANDUM

TO: The Bellingham Herald
Classified Legal Section
Attention Gail Kihn
1155 North State St.
Bellingham, WA. 98225
FAX # 715-2225

FROM: Marilyn Bentley, Land Use Specialist II
Whatcom County Planning & Development Services
Land Use Division

DATE: January 7, 1997

SUBJECT: Legal Notice Publication

1. Send affidavit of publication to:

Whatcom County Planning & Development Services
ATTN: Marilyn Bentley
5280 Northwest Drive, Suite D.
Bellingham, WA. 98226
2. Send bill and a copy of the affidavit of publication to:

Mr. & Mrs. Dave Herrick
9010 Valleyview Road
Custer, WA. 98240

Contact:
Telephone No. (360) 366-3840 Eileen Herrick
3. Publish on Wednesday, January 15, 1997

**WHATCOM COUNTY
NOTICE OF APPLICATION FOR
ZONING CONDITIONAL USE PERMIT**

Notice is hereby given that Dave and Eileen Herrick filed an application for a Zoning Conditional Use Permit, CUP97-0001 on January 6, 1997 to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA., within the SW 1/4 of Section 11, T40N, R1E, W.M., Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

MESSAGE CONFIRMATION
TRANSMISSION

JAN-07-'97 TUE 11:15

TERM ID: WHATCOM CO BAC
TEL NO.: (206)738-2525

P-9999

| NO. | DATE | ST. TIME | TOTAL TIME | ABBR/SBD | ID | DEPT CODE | HPGS |
|-----|-------|----------|------------|----------|------------|-----------|-------------|
| 229 | 01-07 | 11:14 | 00°01'21 | | 3607152225 | | OK- 2 NG- 0 |

WHATCOM COUNTY
PLANNING AND
DEVELOPMENT SERVICES
5280 Northwest Drive
Bellingham, WA 98226



MICHAEL T. KNAPP, A.I.C.P.
Director

BILL FLOREA, MANAGER
Land Use Services Division

January 7, 1996

Mr. & Mrs. Dave Herrick
9010 Valleyview Road
Custer, WA. 98240

Re: CUP97-0001 (Accessory Dwelling)

Dear Mr. & Mrs. Herrick:

This letter is to inform you that the referenced application submitted on January 6, 1997 has been determined to be complete, as it has met the submittal requirements of Planning and Development Services and WCC [2.33.050 A & B]. A determination of completeness shall not preclude the County from requiring additional information or studies at any time prior to permit approval [2.33.050.D.3].

Based upon your application, the following agencies may have jurisdiction over the project permit application: Whatcom County Departments of Health and Engineering. [2.33.050.D.2].

As you have been identified as the applicant and contact person, all correspondence and inquiries will be directed to you. Likewise, if you have any questions, please contact me at the address above.

Sincerely,

Marilyn Bentley
Marilyn Bentley
Land Use Specialist II

WHATCOM COUNTY
NOTICE OF APPLICATION FOR
ZONING CONDITIONAL USE PERMIT

Notice is hereby given that Dave and Eileen Herrick filed an application for a Zoning Conditional Use Permit, CUP97-0001 on January 6, 1997 to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA., within the SW 1/4 of Section 11, T40N, R1E, W.M., Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

400111 071072 ✓ Ray E. Fenton
8970 Valley View Rd
Custer Wash 98240

400111 148166 ✓ Gregory - Hazel Schiewe
8700 Sidaway Rd
Richmond B.C.
Canada U6W 1G8

400111 083231 north wood chapel of the Christian
Missionary Alliance.
P.O. Box 339
Blaine wa 98231-0339

400111 051234 Pamela J. Magee
3258 Haynie Rd
Blaine wa 98231-0339

400111 021232 George & Levia Anderson & Sharon Lofdal
✓ 3370 Sweet Rd
Blaine wa 98230-9758

400111 034151 mark Beckwith
8666 Delgadine Rd
Custer wash 98230

400110 488099

Charles & Susan Stanford
8959 Valley View Rd
Custer wa 98230

400110 488139

✓ Dave & Becky Sophuson
9007 Valley View Rd
Custer wa 98230

400110 489147

✓ Thomas & Marilyn Galvin
9017 Valley View Rd
Custer wa 98230

400110 489159

✓ Darryl & Corryanne Gullickson
9027 Valley View Rd
Custer wa 98230

400110 492182

✓ John A Deighton
9035 Valley View Rd
Custer wa 98240

400110 490212

✓ Gordon & Sally Brubaker
9055 Valley View Rd
Custer wa 98230

AGENCY COMMENTS

RECEIVED *MDB*
JAN 1 1997

WHATCOM COUNTY
NOTICE OF APPLICATION FOR
ZONING CONDITIONAL USE PERMIT

Notice is hereby given that Dave and Eileen Herrick filed an application for a Zoning Conditional Use Permit, CUP97-0001 on January 6, 1997 to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA., within the SW 1/4 of Section 11, T40N, R1E, W.M., Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

1-14-97

Dave + Eileen Herrick

have my full support in
their proposed project

Pam Foster

Dakota Creek Golf

TO: Marilyn Bentley

FROM: WHATCOM COUNTY HEALTH DEPARTMENT
509 GIRARD STREET, BELLINGHAM, WA 98225

DATE: April 16, 1997

RE: VAR 97-0001 Jim Olson

RECEIVED
APR 18 1997
Whatcom County P&DS

RECOMMENDATIONS:

Enclosed is a copy of the installed septic system on this lot. The garage must remain 30' from the designated reserve area, highlighted in yellow. If this can be done, the Health Department has no objections.

REVIEWED 
Bob Kloc
Environmental Health Supervisor



WHATCOM COUNTY HEALTH DEPARTMENT
Environmental Health Division
509 Girard Street - P.O. Box 935
Bellingham, WA 98227-0935
(206) 676-6724 or (206) 384-1565

30381
SEWAGE DISPOSAL SYSTEM
CONSTRUCTION PERMIT
Permit 16977

Fee: \$ 117⁰⁰ RECEIPT NO. 173-39 Date 5-24-94
Received By: Cheryl Expires In 3 years
Name STONE, Beverly PALMER, ROBERT Phone _____
Last First
Address of Site 2921 CEDAR AV Parcel # 370123532394
S E (W) Side of CEDAR AV Rd. .05 Miles (N) S E W of Bay St Rd.
PROPERTY INDEX: Lot 60 Block _____ Division 3 Subdivision LISE
Designer S. Schneider Installer OWNER

I hereby agree that this installation shall comply with all requirements of the Whatcom County Health Department (WCC 24.05) including INSPECTION BEFORE COVERING.

Issuance of a sewage disposal permit does NOT imply or signify fulfillment or satisfaction of any other legal requirement, such as building codes or zoning ordinances. Permit holders are cautioned that compliance with other agency permit requirements should be accomplished prior to commencement of any construction.

I have read and understand the above statements

Stephen A. Schneider
Signature of Owner or Agent

SPECIAL CONDITIONS:

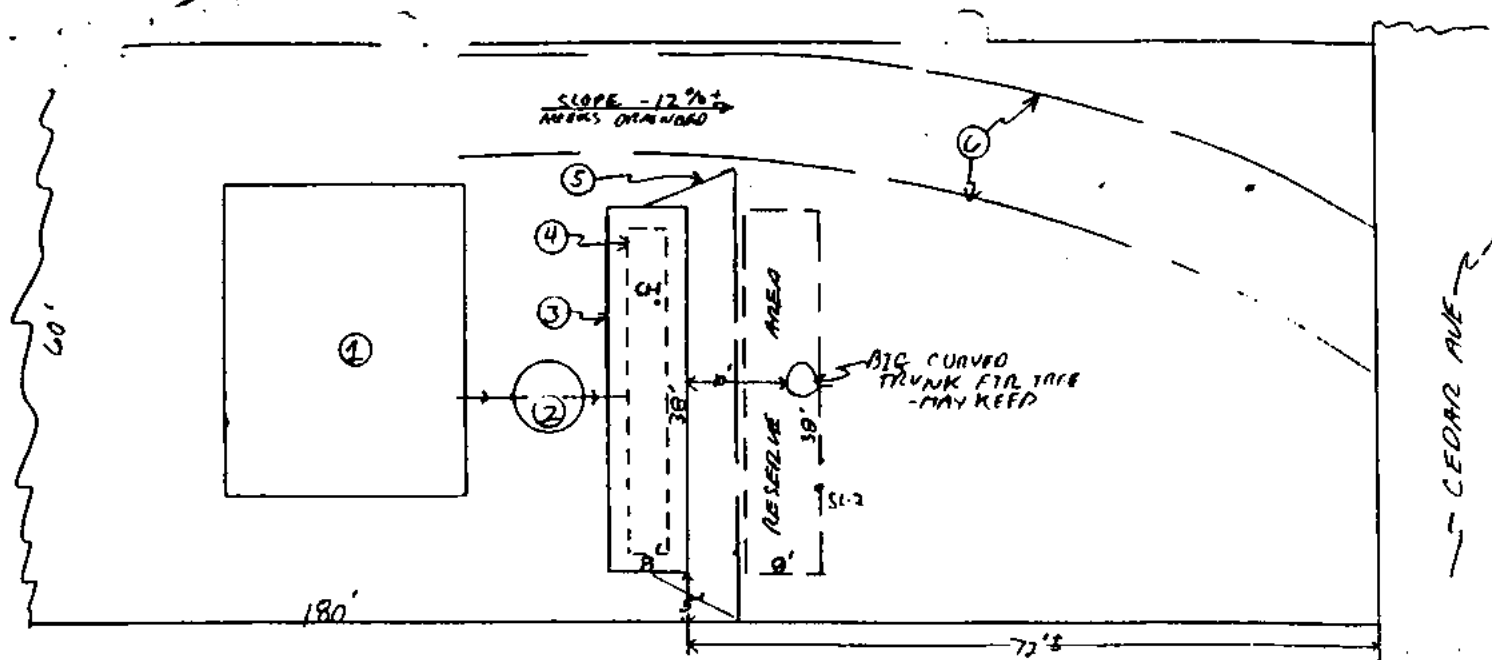
321- O/R to cover DE- ST needs riser & meter loop
recall for inspection - al

DO NOT BEGIN CONSTRUCTION UNTIL YOU
HAVE RECEIVED A BUILDING PERMIT OR
LAND DISTURBANCE APPROVAL FROM THE
WHATCOM COUNTY DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT.

Re ~~657A~~ - VAR-97-0001

Issued By Al Saliberto Environmental Health Final Inspection By Cheryl E. Cheason Environmental Health
Date 1/31/95

NOTICE: Homeowners who construct their own septic tank system should contact Environmental Health for instructions. Septic tanks should be pumped every 3 to 5 years. An alternating valve, if installed, should be switched yearly.



- 1) FUTURE HOUSE - 3 BED ROOM SIZE - LOCATION VARIABLE - AT LEAST 10' UPLAND OF DRAINBED
- 2) SEPTIC TANK - 900 GALLON MIN. LOCATION VARIABLE, AT LEAST 5' FROM HOUSE AND LOT LINES
- 3) DRAINBED WITH 12" DRAINROCK - $8' \times 38' = 304 \text{ ft}^3$
- BED BOTTOM TO BE 18" BELOW THE EXISTING AVERAGE GROUND SURFACE ALONG THE DOWNSLOPE BED EDGE, AND LEVEL THROUGHOUT
- 4) DRAINPIPE - 4" - LAY LEVEL IN TOP 4" OF DRAINROCK
- 5) 6" COVER FILL REQUIRED ALONG DOWNSLOPE BED EDGE
- 6) POSSIBLE DRIVEWAY - MAKE NO CUT BANKS WITHIN 30' DOWNSLOPE OF RESERVE AREA
 - REMOVE ALL BRUSH AND TREES ON LOT WITHIN 10' OF DRAINBED
 - KEEP WATER LINES AT LEAST 10' FROM WASTEWATER SYSTEM
 - RAKE ANY SHEARED SURFACE ON EXCAVATION SIDEWALLS AND BOTTOM BEFORE PLACING DRAINROCK
 - NO LOT CORNERS FOUND - LINES LOCATED OFF NEIGHBORING LOT CORNERS - VERIFY ALL LOT LINES BEFORE SYSTEM INSTALLATION

Schneider Drainfield Design
BOX 151
LUMMI ISLAND, WA 98262
PHONE (206) 758-7353

BEVERLY STONE
LOT 60 OF U3 L.I. SCAND. ESTATES
2921 CEDAR AVE., LUMMI IS., WA.
WASTEWATER SYSTEM DESIGN
DRAWN BY STEVE SCHNEIDER

If existing sfr is habitable you can modify
the 1st & 2nd sentence to require permit for
remodeling/repairs only C.S.

CUP97-0001 COMMENTS:

Existing 780 sq. ft. sfr must be habitable and not considered a substandard or dangerous building as defined by the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings. If remodeling or repairs are desired, (or required to bring the building up to minimum habitability standards) a building, plumbing or mechanical permit may be required (Check with the building department). The new moved 1,380 sq ft sfr requires a building permit. A pre-move inspection (\$50.00 fee) is required prior to moving the existing sfr (except mobiles). Repairs or remodeling of the moved structure should be included in the building permit. Plans including foundation, floor framing, elevations and floor plan are required. Additional plans may be required depending on the scope of the work to be performed.

LP 1-22-97

WHATCOM COUNTY
PLANNING
DEVELOPMENT SERVICES
Michael T. Knapp, A.I.C.P.
Director



LAND USE SERVICES DIVISION
Bill Florea, Division Manager
5280 Northwest Dr., Ste. B
Bellingham, WA 98226
Marilyn

DISTRIBUTION

TO: Distribution List
FROM: Planning & Development Services
DATE: January 9, 1997
SUBJECT: Permit Application Review

RESPONSE TO BE MADE BY: January 30, 1997

The following applications have been received by the County:

- 1) Notice is hereby given that Dave and Eileen Herrick filed an application for a Zoning Conditional Use Permit, CUP97-0001 on January 6, 1997 to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA., within the SW 1/4 of Section 11, T40N, R1E, W.M., Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

Comments attached

WHATCOM COUNTY
PLANNING AND
DEVELOPMENT SERVICES
Michael T. Knapp, A.I.C.P.
Director



LAND USE SERVICES DIVISION
Bill Florea, Division Manager
5280 Northwest Dr., Ste. B
Bellingham, WA 98226

DISTRIBUTION

TO: Distribution List
FROM: Planning & Development Services
DATE: April 9, 1997
SUBJECT: Permit Application Review

RESPONSE TO BE MADE BY THE DATE NOTED ON THE INDIVIDUAL APPLICATIONS

The following applications have been received by the County:

- 1) Notice is hereby given that Jim Olson submitted an application for a Zoning Variance Permit, VAR97-0001 on April 7, 1997 to reduce the zoning setbacks in the front yard from 25 feet to 6 feet to accommodate a residential garage in the Residential Rural Island zone. A determination that all submittal requirements have been met was issued on April 8, 1997. This subject site is located at 2921 Cedar Ave., Lummi Island, WA., Lot 60, Block 6, Division 3, Lummi Island Scenic Estates, within NE 1/4 of Section 23, T37N, R1E, W.M., Assessor's Parcel No: 532394. The project will be reviewed under the Official Whatcom County Zoning Ordinance, and Critical Areas Ordinance, and mitigation may be required pursuant to these ordinances. This project may also require the following permits and approvals: Building Permit, Fill and Grade Permit and Health Department approvals. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, April 16, 1997. Written comments must be received by May 1, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

Comments:

No concerns 4-10-97

STATEMENT DATE 10/10/96
 ACCOUNT NO 28-0250.1
 NAME HERRICK, DAVID W
 LOCATION VALLEY VIEW RD 9022
 PAYMENT 16.22
 CURRENT CHARGES 56.29
 TOTAL 72.49
 pol 12-6-96

SERVICE DATES 10/15/96 TO 11/14/96
AMOUNT DUE 56.29

| EXPLANATION OF CURRENT CHARGES | | | CHARGES |
|--------------------------------|---------------------|-----------------|-------------|
| PREVIOUS | READINGS CURRENT | MULTI- PLIER | CONSUMPTION |
| 106 | 122 | | 16 |
| 3/4" WATER MTR 0-3 CCF | | | 15.30 |
| 3-8 CCF | | | 12.00 |
| 8+ CCF | | | 25.80 |
| TAX CHARGE | | | 3.19 |
| CURRENT CHARGES | | | 56.29 |

HAVE A HAPPY HOLIDAY SEASON FROM THE
 CITY OF BLAINE!

| PERIOD | AVERAGE TEMPERATURE | KWH USED | WATER USED |
|----------|------------------------|----------|------------|
| CURRENT | 42.5 | 0 | 16 |
| PREVIOUS | 48.0 | 0 | 0 |

CITY OF BLAINE - 1000 1ST AVE SW BLAINE WA 99006-1000

Please Read the Back Portion for Important Billing Information

RECEIVED PDS

10/10/96 JMD

**WHATCOM COUNTY HEALTH DEPARTMENT**

Environmental Health Division
509 Girard Street - P.O. Box 935
Bellingham, WA 98227-0935

(360) 676-6724 or (360) 384-1565

32538
APPLICATION AND PERMIT FOR
SEWAGE DISPOSAL SYSTEM
REPAIR

RECEIVED PDS

JAN 06 1997 Permit

Fee: \$ 15.00

RECEIPT NO. 1666

Date 12 11 96

Received By: mm

Name Harrick, David Last First Phone 366-3840

Address of Site 9010 Valley View Rd, Custer Parcel # 400111 025159

N S E W Side of Valley View Rd. 1/4 Miles N S E W of Haynie Rd.

No. of bedrooms 3 Private or Public well within 200' ☐ Yes ☒ No

Soil logs to 5 feet:

Water supply Blaine City Size 4A± S.C.S. Soil Type L1

Depth of fill soil, if needed 6" cover

Winter Water Table Depth 50"± Watershed No. 0-1

Effluent Application Rate 1.2 gal./sq. ft

Repair Designer Dell Bellinger

Repair Installer _____

Original Permit No. if any: _____ Year _____ Name _____

3 Bedroom Home There Now - Frame 3 Bedroom Home to be moved in. New tank needed and new drain field to be installed

I hereby certify that the information is correct and that this installation shall comply with all requirements of the Whatcom County Health Department.

same area as old. No signs of failure with old system.

Issuance of a sewage disposal permit does NOT imply or signify fulfillment or satisfaction of any other legal requirement, such as building codes or zoning ordinances. Permit holders are cautioned that compliance with other agency permit requirements should be accomplished prior to commencement of any construction.

I have read and understand the above statements _____

Signature of Owner or Agent

- HEALTH DEPARTMENT USE ONLY -

☐ Minor Repair ☐ Major Repair

INSPECTION BEFORE COVERING ☐ Will ☐ Will Not be Required.

This becomes a permit when approved.

Approved and Issued by: Eric Lofgren Date 12/12/96

Application not approved by: _____ Date _____

Final Inspection by: _____ Date _____

Reasons: _____

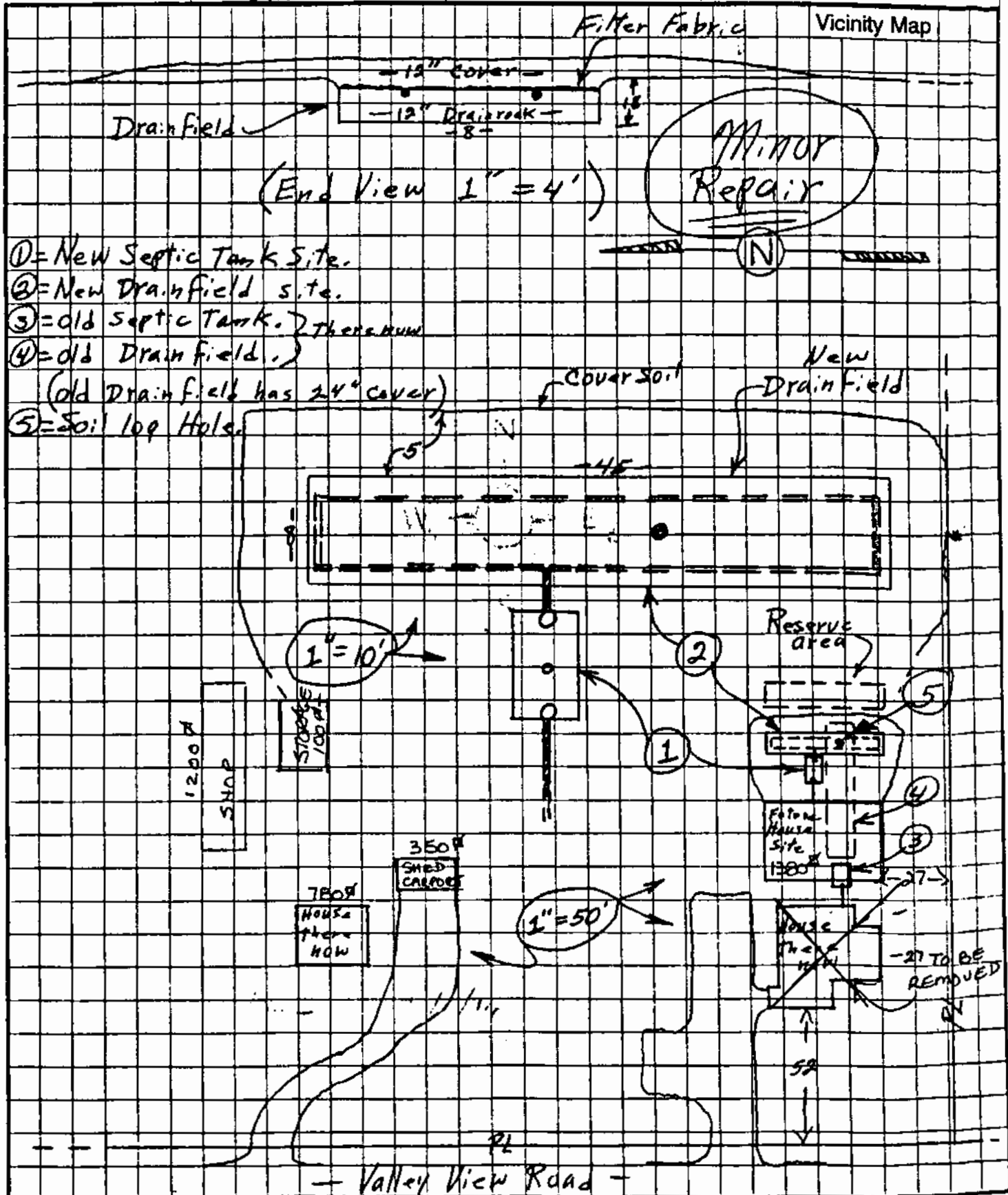
ANY OWNER HAS THE RIGHT TO APPEAL A DENIAL OF A PERMIT TO THE BOARD OF APPEALS

Please make this request by letter and include names and addresses of all property owners within 300' of your property, excluding public right-of-ways. A fee is charged.



SEWAGE SYSTEM PROPOSAL DESIGN

| | |
|--|--|
| Owner's Name <u>Herrick, David</u> | Tank Size (gallons) <u>1000</u> |
| Installation Address <u>9010 Valley View</u> | Field L <u> </u> W <u> </u> D <u> </u> |
| Designer <u>Dell</u> | Design Date <u>12-5-96</u> Bed L <u>45'</u> W <u>8'</u> D <u>18"</u> |
| Scale <u>See below</u> <u> </u> Inch | Alternating System (2) <u>NO</u> L <u> </u> W <u> </u> D <u> </u> |



If existing sfr is habitable you can modify
the 1st & 2nd sentence to require permit for
remodeling/repairs only C.S.

CUP97-0001 COMMENTS:

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BP 1-22-97

WHATCOM COUNTY
PLANNING AND
DEVELOPMENT SERVICES
Michael T. Knapp, A.I.C.P.
Director



LAND USE SERVICES DIVISION
Jill Area, Division Manager
5280 Northwest Dr., Ste. B
Bellingham, WA 98226

DISTRIBUTION

TO: Distribution List
FROM: Planning & Development Services
DATE: January 9, 1997
SUBJECT: Permit Application Review

RESPONSE TO BE MADE BY: January 30, 1997

The following applications have been received by the County:

- 1) Notice is hereby given that Dave and Eileen Herrick filed an application for a Zoning Conditional Use Permit, CUP97-0001 on January 6, 1997 to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA., within the SW 1/4 of Section 11, T40N, R1E, W.M., Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

* New Building shall be 20 feet from property lines and other buildings.

* Addresses shall be clearly labeled

WLW 1-13-97

TO: Marilyn Bentley

FROM: WHATCOM COUNTY HEALTH DEPARTMENT
509 GIRARD STREET, BELLINGHAM, WA 98225

DATE: January 10, 1997

RE: CUP 97-0001 Dave & Eileen Herrick

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES

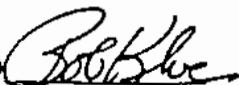
JAN 15 1997

RECEIVED

RECOMMENDATIONS:

Permit has been issued to accommodate sewage from the 1,380 square foot residence. Existing septic system for the 780 square foot house is operating normally. Both residences are served by City of Blaine water. Adequate potable water and sewage disposal are available for this Conditional Use Permit.

REVIEWED



Bob Kloc

Environmental Health Supervisor

WHATCOM COUN. .
PUBLIC WORKS DEPARTMENT

JEFFREY M. MONSEN, P.E.
Director

JEFFREY M. MONSEN, P.E.
Director



DIVISION OF ENGINEERING

5280 Northwest Drive, Suite C
Bellingham, WA 98226
(360) 676-6730/380-8110
FAX (360) 676-6558

Edwin R. Henken, P.E. - Assistant Director
Nasser Y. Mansour, P.E. - County Road Engineer

February 3, 1997

MEMO

To: Marilyn Bentley, Planning & Development Services
From: Claudia Oates, Engineering *Claudia Oates*
Re: CUP 97-0001, Herrick

The applicant is requesting a Zoning Conditional Use Permit to utilize an existing 780 square foot single family residence as an accessory to a 1,380 square foot residence recently moved onto the site. A third, older residence currently exists and will be removed by the applicant.

This parcel is located at 9010 / 9022 Valleyview Rd. Valleyview Road is a paved County maintained road. There are two existing driveways, each with adequate site distance.

The Division of Engineering has no comments or requirements of this proposed accessory residence.

If existing sfr is habitable you can modify
the 1st & 2nd st move to require permit for
remodeling/repairs only c.s.

CUP97-0001 COMMENTS:

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LP 1-22-97

WHATCOM COUNTY
PLANNING &
DEVELOPMENT SERVICES
Michael T. Knapp, A.I.C.P.
Director



LAND USE SERVICES DIVISION
Area, Division Manager
5280 Northwest Dr., Ste. B
Bellingham, WA 98226

DISTRIBUTION

TO: Distribution List
FROM: Planning & Development Services
DATE: January 9, 1997
SUBJECT: Permit Application Review

RESPONSE TO BE MADE BY: January 30, 1997

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* New Building shall be 20 feet from property lines and other buildings.

* Addresser shall be clearly labeled

WLW 1-13-97



DISTRIBUTION

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FROM: Planning & Development Services
DATE: January 9, 1997
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RESPONSE TO BE MADE BY: January 30, 1997

The following applications have been received by the County:

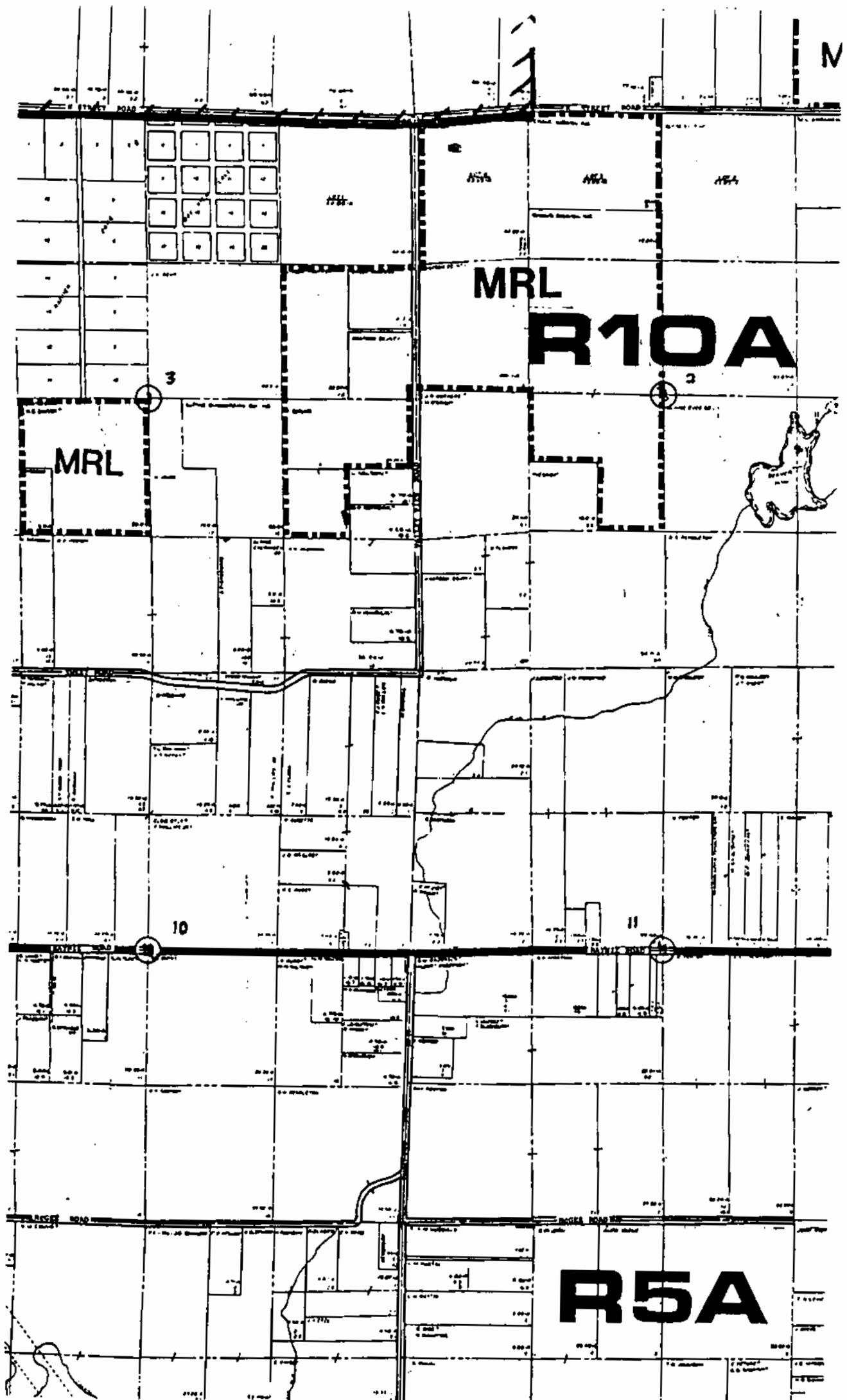
- 1) Notice is hereby given that Dave and Eileen Herrick filed an application for a Zoning Conditional Use Permit, GUP97-0001, on January 6, 1997 to utilize an existing 780 square foot single family residence on their residential property, as an accessory to a new 1,380 square foot single family residence moved onto the site from another location. A determination that all submittal requirements have been met was issued on January 7, 1997. This project is zoned Rural 5 Acres and is located at 9010 Valleyview Road, Custer, WA., within the SW 1/4 of Section 11, T40N, R1E, W.M., Assessor's Parcel No. 025159. This proposal will be reviewed under the Official Whatcom County Zoning Ordinance and Critical Areas Ordinance. Mitigation may be imposed pursuant to these ordinances and regulations. This project may also require a Building Permit, and Fill and Grade Permit. The file and any existing supporting documents may be reviewed at the Whatcom County Planning and Development Services office at 5280 Northwest Dr. Bellingham. Any person may submit written comments to Marilyn Bentley, Land Use Specialist II, Whatcom County Planning and Development Services, 5280 Northwest Dr., Suite D, Bellingham, WA 98226 within 15 days of the date of publication of this notice, which is Wednesday, January 15, 1997. Written comments must be received by January 30, 1997. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearing Examiner's office, 1000 N. Forest St., Suite 203, Bellingham, WA. 98225, within 15 days of the notice of application. Decisions to approve, deny, or condition a Zoning Conditional Use Permit may be appealed to the Whatcom County Council within 10 days of the decision.

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and other buildings.

* Addresses shall be clearly Labeled

WLW 1-13-97

VICINITY MAPS



N

**MRL
R10A**

MRL

R5A

3

3

10

11

10

AERIAL MAP



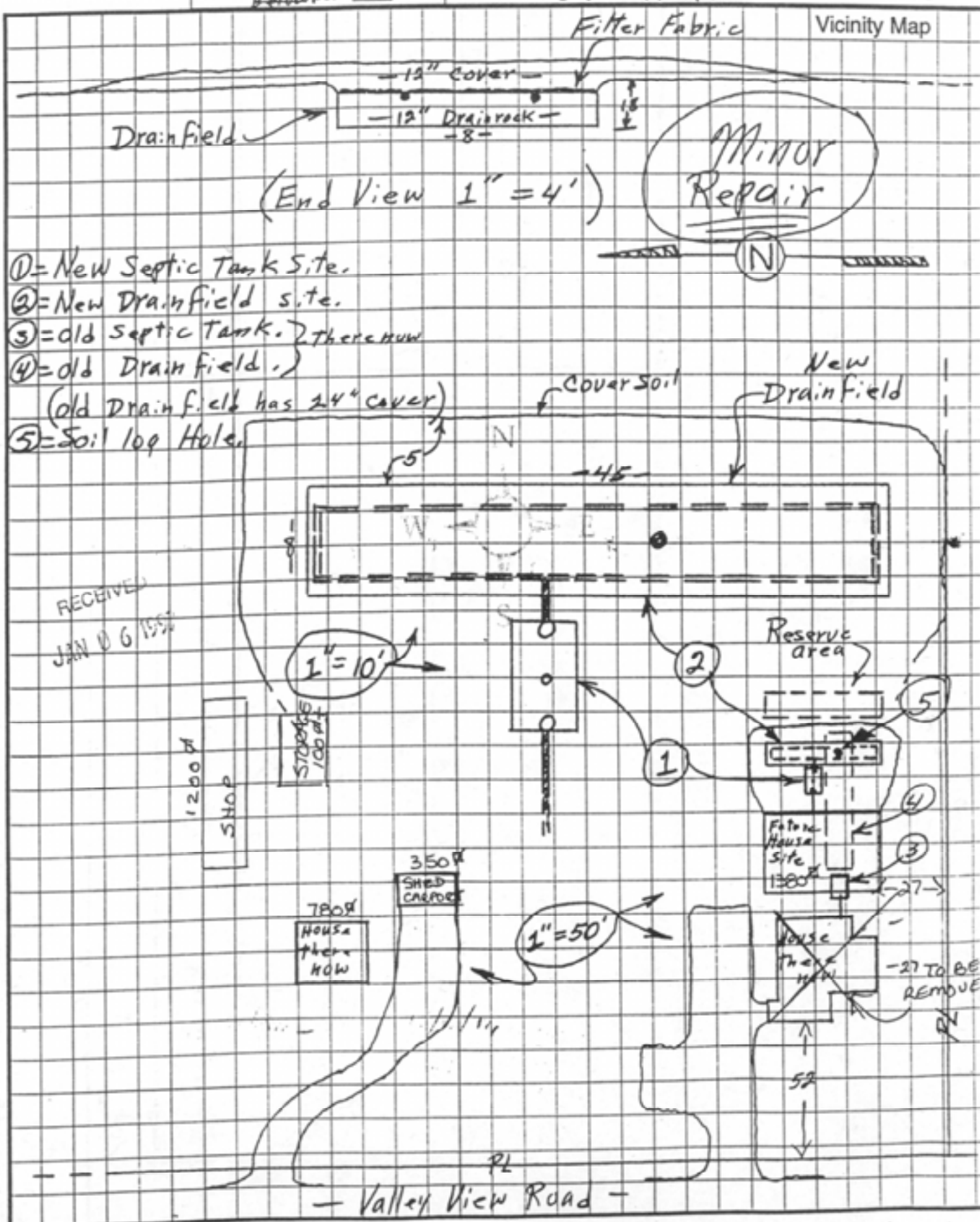
40 1E 11

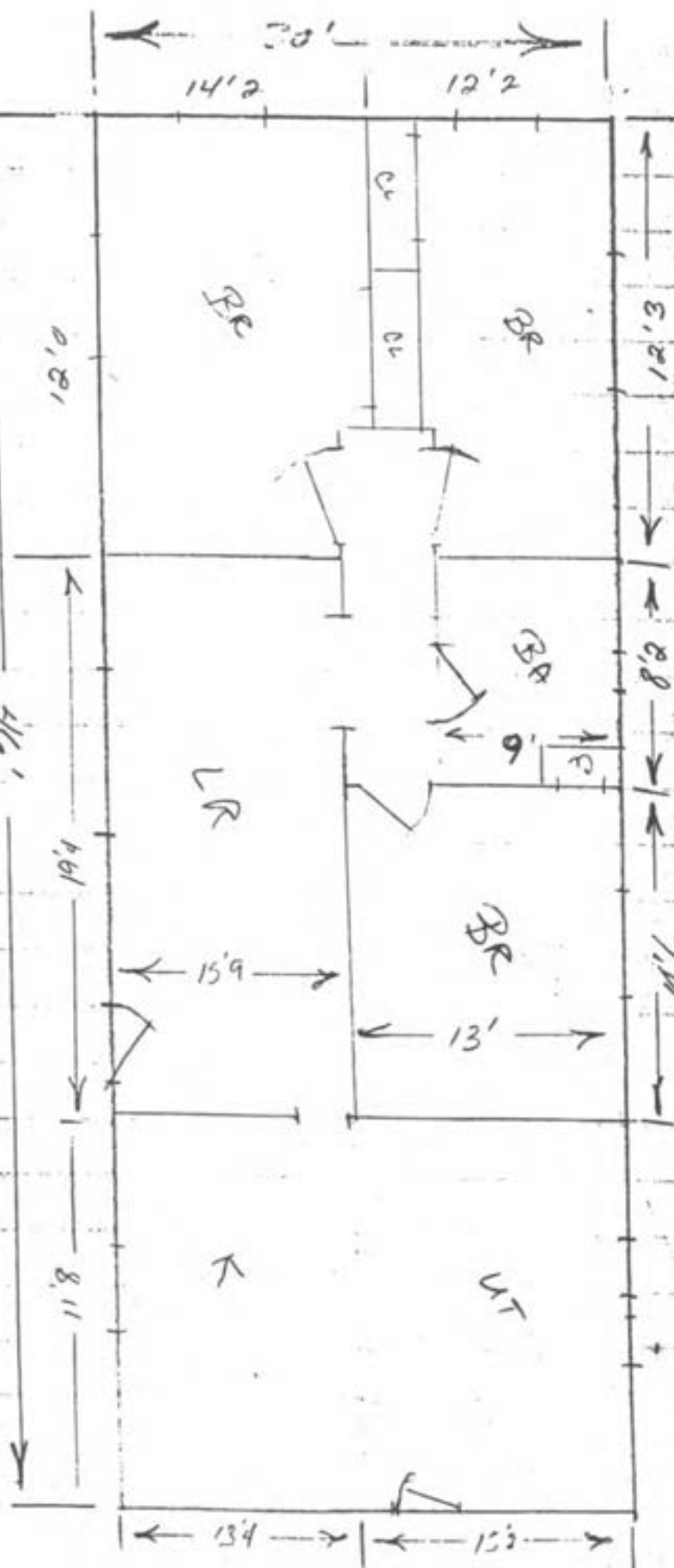
SITE PLANS



SEWAGE SYSTEM DISPOSAL DESIGN

| | | |
|---|--|---|
| Owner's name <u>Herrick, David</u> | | Tank Size (gallons) <u>1000</u> |
| Installation Address <u>9010 Valley View</u> | | Field L <u> </u> W <u> </u> D <u> </u> |
| Designer <u>Dell</u> | Design Date <u>12-5-96</u> | Bed <u>(1)</u> L <u>45'</u> W <u>8'</u> D <u>18</u> |
| Scale <u>See below</u> per <u> </u> inch | Alternating System (2) <u>NO</u> L <u> </u> W <u> </u> D <u> </u> | |





RECEIVED
JAN 10 6 1957